



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD) .No.19068 of 2021

Ravichandran

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Kovilpatti,
Kovilpatti Sub Division,
Thoothukudi District.

2.The Tahsildar,
Kovilpatti Taluk,
Kovilpatti,
Thoothukudi District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to dispose the petitioner's representation dated 25.09.2021 within the stipulated period as fixed by this Court.

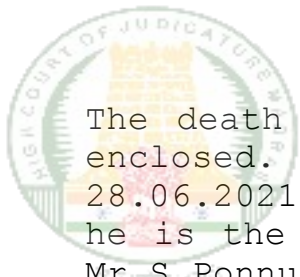
For Petitioner : Mr.K.Sivabalan

For Respondents : Mr.K.S.Selva Ganesan
Counsel for State

ORDER

The petitioner seeks the consideration of a representation dated 25.09.2021 in relation to a fraudulent legal heirship certificate as well as the patta issued on such basis.

2.The petitioner states that his father married his mother, Gnanamani, in the year 1964. It is alleged that his father entered into an illicit relationship with one Manimegalai, while his marriage with the petitioner's mother subsisted. The petitioner states that his father died on 11.02.2018. His mother predeceased his father and died on 27.07.2002. Consequently, the petitioner states that he is the only legal heir of his father.



The death certificates of the petitioner's father and mother are enclosed. By relying upon the legal heir certificate dated 28.06.2021 of the late Gnanamani, the petitioner points out that he is the son of the late Gnanamani and that her husband's name, Mr.S.Ponnusamy, is indicated therein. Consequently, it is stated that the legal heir certificate issued in respect of S.Ponnusamy on 07.09.2018, whereby Manimegalai is shown as the sole legal heir is fraudulent.

3.Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice for both the respondents. On instructions, he submits that an inquiry has commenced and that the same would be concluded within a reasonable time frame.

4.The petitioner has enclosed copies of the death certificates of his father and mother. The legal heir certificate in respect of Gnanamani is on record. The said document discloses that the petitioner is her son. It also mentions the name of S.Ponnusamy as her husband. On the basis of these documents, the petitioner has made out a case to consider the representation seeking cancellation of the legal heirship certificate dated 07.09.2018. Needless to say, Manimegalai should be provided a reasonable opportunity in course of such inquiry.

5.Accordingly, W.P.(MD)No.19068 of 2021 is disposed of by directing the first respondent to consider the petitioner's representation dated 25.09.2021 and dispose of the same by a reasoned order after conducting an inquiry and providing a reasonable opportunity to the petitioner and Manimegalai. Such reasoned order shall be issued within a period of two (2) months from the date of receipt of a copy of this order. There will be no order as to costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sjj

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Revenue Divisional Officer,
Kovilpatti,
Kovilpatti Sub Division,
Thoothukudi District.

2.The Tahsildar,
Kovilpatti Taluk,
Kovilpatti,
Thoothukudi District.

+1 CC to M/s.K. SIVABALAN, Advocate (SR-32905[F] dated 27/10/2021)

+1 CC to M/s.SPL.GP (SR-33037[F] dated 28/10/2021)

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27.10.2021

RK/SKN(19/11/2021) 3P 5C