



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.2964 of 2020

1. C.Saravanan
2. C.Kailasam
3. C.Vedhavalli

...Petitioners

Vs.

1. The District Collector,
Chengalpattu District,
Chengalpattu.
2. The District Revenue Officer,
Chengalpattu District,
Chengalpattu.
3. The Revenue Divisional Officer,
Chengalpattu,
Chengalpattu District.
4. The Tahsildar,
Thirukazhukundram Taluk Office,
Thirukazhukundram, Chengalpattu District.
5. Raji
6. Adhikrishnan
7. Chithirai
8. Mani

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent herein to consider the petitioners' representation dated 12.11.2019, submitted with request to conduct enquiry and cancel the legal heir certificate of Chellan, which was issued by 4th respondent and issue afresh legal heir certificate including the petitioners' name as his legal heir of Chellan.

For Petitioners : Mr.P.Murali

For Respondents : Mr.A.Anandan, GA, for R1 to R4



O R D E R

The petitioners have filed this writ petition seeking issuance of a Writ of Mandamus to direct the 1st respondent to consider the petitioners' representation dated 12.11.2019 and cancel the legal heir certificate of Chellan, issued by 4th respondent and issue a fresh legal heir certificate by including the petitioners' name.

2.The case of the petitioners is that, their maternal grandfather one Chellan owned properties comprised in S.Nos.80/4, 81/2, 129/3C, 33, 31/1B and 31/1C, measuring various extent of lands, situated at Vasuvasamuthiram and Vayalur Village. The petitioners' mother, one Saroja and the respondents 5 to 8 herein are the legal heirs of said Chellan. Whiles, the petitioners' grandfather, said Chellan died on 25.06.1993 and after his demise, the respondents 5 to 8 and said Saroja/mother of the petitioners were in complete possession and enjoyment of the above said properties. Thereafter, the petitioners' mother also passed away, leaving behind the petitioners herein as her legal heirs. While such being the case, the respondents 5 to 8 herein have obtained Legal heir certificate in June 2006, vide proceedings of the 4th respondent in Pa.Mu.2783/06/Aa2, without including the name of the petitioners or the name of their mother, said Saroja. After obtaining the legal heir certificate, the respondents 5 to 8 have also sold some of the above disputed properties to third parties without the knowledge of the petitioners. Immediately after knowing the same, the petitioners made a representation dated 12.11.2019 before the respondents 1 to 4, however, till date, no orders have been passed on the same. Hence, the present Writ petition is filed.

3.Though very many grounds have been raised, learned counsel for the petitioners submitted that, it would suffice if this Court issues direction to the 1st respondent to consider the petitioners' representation dated 12.11.2019 and cancel the legal heir certificate of Chellan, issued by 4th respondent in June 2006, vide proceedings in Pa.Mu.2783/06/Aa2 and issue a fresh legal heir certificate by including the name of the petitioners.

4.Learned Government Advocate appearing on behalf of the official respondents submitted that, the legal heir certificate was issued by 4th respondent, vide proceedings dated Nil.06.2006 in Pa.Mu.2783/06/Aa2 and the petitioners have filed this Writ petition in the year 2020, after a lapse of 14 years, which is not sustainable. Hence, he prayed for dismissal of the present Writ petition.



5. Heard the arguments advanced on either side.

6. A perusal of the materials available on record reveals that, the petitioners' grandfather, Chellan passed away in the year 1993 and the respondents 5 to 8 have obtained the legal heir certificate in the year 2006. However, the petitioners have made representation before the respondents 1 to 4 for cancellation of the said legal heir certificate in the year 2019 and filed this Writ petition in the year 2020, after a lapse of 14 years. The petitioners have not submitted sufficient materials to substantiate the delay in filing the present Writ petition.

7. In view of the above facts, the prayer sought for by the petitioners cannot be acceded to and this Court is not inclined to pass any orders in favour of the petitioners. However, the petitioners are at liberty to approach the competent Civil Court to work out the remedy in the manner known to law.

8. Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

skt

To

1. The District Collector,
Chengalpattu District, Chengalpattu.
2. The District Revenue Officer,
Chengalpattu District, Chengalpattu.
3. The Revenue Divisional Officer,
Chengalpattu, Chengalpattu District.
4. The Tahsildar,
Thirukazhukundram, Taluk Office,
Thirukazhukundram, Chengalpattu District.

+lcc to Mr.P.Murali, Advocate, S.R.No.29929

W.P.No.2964 of 2020

VG-II (CO)
RGA(01/06/2022)