



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.6108 of 2018

Radha Bai

...Petitioner

Vs.

1.The District Collector,
Chennai District,
Singaravellan Maaligai,
Chennai 600 001.

2.The District Revenue Officer,
Chennai District,
Chennai.

3.The Tahsildhar,
Tondiarpet Taluk,
Chennai.

4.Indira Kumar
5.Momala Devi
6.Mohyana Sundari
7.Velayudham

8.The Tahsildar,
Purasaiwalkam Taluk,
Puraisalwalkam,
Chennai.

9.The Revenue Divisional Officer,
Chennai North.
(R8 & R9 impleaded as per order dt.21/1/2020,
made in WP.6108/2018)

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd respondent to consider and pass necessary orders on the petitioner's representation dated 06.02.2018 and to initiate necessary action to cancel the legal heir certificate issued in Serial No.738 of 2000 dated 13.12.2000 by 3rd respondent.



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For Petitioner : Mr.T.Ganesh Banu

For R1 to R3 : Mr.R.Vigneswaran
Government Advocate

For R4 to R7 : No appearance

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the 3rd respondent to consider and pass necessary orders on the petitioner's representation dated 06.02.2018 and to initiate necessary action to cancel the legal heir certificate issued in Serial No.738 of 2000 dated 13.12.2000 by 3rd respondent.

2. The learned Government Advocate takes notice for the official respondents. In view of the limited relief sought for in this petition and on the consent of the learned counsel appearing on either side, this petition is taken up for final disposal.

3. Since no adverse order is passed as against the private respondents, notice to the private respondents is dispensed with.

4. The case of the petitioner is that the property situated in No.9/10, Bajanaikoil Street, Meenakshiammanpettai, Royapuram, Chennai is owned by petitioner's father one Murugesan and they are residing in the said property for the past 3 generations without any hindrance. The petitioner's father died on 20.03.1969 leaving behind the petitioner and her sisters Senthamani, Rajeswari, Rukamani and petitioner's brothers's son M.Natarajan to succeed Estate. The petitioner and her brother and sister are only legal heirs of the said Murugesan. The petitioner and her brothers and sisters are in possession and enjoyment of the same. After demise of petitioner's father Murugesan, the petitioner applied for legal heir certificate and the same was issued by the 3rd respondent. Unfortunately, the said legal heir certificate is lost against which the petitioner made representation to issue legal heirs certificate and the 3rd respondent issued legal heir certificate vide No.Ne.Mu.A6 No.44682/2000, Serial No.2014/2000, by the Fort Tondiarpet Taluk, Chennai, dated 20.12.2000. While so, one Rajamani Son of Indira Kumar and respondents 3 to 7 herein claims as if they were the legal heirs of deceased Murugesan and fraudulently made



representation to the 3rd respondent claiming that Rajamani is the only legal heir of petitioner's father Murugesan and the 3rd respondent has issued legal heir certificate to the son and daughter of Rajamani, on 13.12.2000. But the said Rajamani died on 06.04.1968 prior to the petitioner's father death. Hence, the petitioner made representation on 06.12.2018 to the respondent, to cancel the legal heir certificate issued in the name of Rajamani. However, till date no orders have been passed. Hence, this writ petition is filed with the above said prayer.

5. Learned Counsel for the petitioner submitted that it would suffice if this Court issue direction to the 3rd respondent to consider the petitioner's representation dated 06.12.2018 and pass appropriate orders within a stipulated period that may be fixed by this Court.

6. The learned Government Advocate appearing on behalf of the official respondents submitted that pursuant to the order of this Court the 3rd respondent has issued legal heir certificate in favour of the petitioner on 20.12.2000, in Serial No.2014 of 2000. However, they have not issued any legal heir certificate on 13.12.2000 in Serial No.738 of 2000. Hence, he prays for dismissal of this petition.

7. Admittedly, the respondent himself claims that they have not issued any legal heir certificate in Serial No.738 of 2000, dated 13.12.2000. Recording the same, this Writ Petition is closed. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Psa
To

1.The District Collector,
Chennai District,
Singaravellan Maaligai,
Chennai 600 001.

2.The District Revenue Officer,
Chennai District,
Chennai.



3.The Tahsildhar,
Tondiarpet Taluk,
Chennai.

4.The Tahsildar,
Purasaiwalkam Taluk,
Puraisalwalkam,
Chennai.

5. The Revenue Divisional Officer,
Chennai North.

+1 CC to Mr.T.Gnanabanu, Advocate sr 24741

+1 CC to The Special Government Pleader sr 25475.

W.P. No.6108 of 2018

SKM(CO)
SP(29/04/2022)