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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.28022 OF 2015

AND

M.P.NO.1 OF 2015

V.Komala

...Petitioner

Vs.

1. The Collector,
Office of the Collectorate,
Chennai - 600 001.

2. The Tahsildar,
Egmore-Nungambakkam Taluk,
Nungambakkam,
Chennai - 600 031.

3. T.Thiruselvam

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the 1st respondent relating to the cancellation of the legal heirship certificate in U6/20618/2013 dated 27.05.2015 and quash the same and direct the first / second respondent to issue the legal heirship certificate of petitioner's father R.C.Thangavelu, who died on 15.01.1977.

For Petitioner : Ms.Subi Priya
for Mr.D.Prasanna

For Respondent : Mr.M.Rajendiran
1 & 2 Additional Government Pleader

For Respondent 3 : No Appearance.



O R D E R

The order passed by the District Collector, Office of the Collectorate, Chennai, dated 27.05.2015 is under challenge in the present Writ Petition.

2. The issue raised in the present Writ Petition is relating to the issuance of legal heirship certificates of one R.C.Thangavelu, who was expired on 15.01.1977. One Thiruselvam, son of R.C.Thangavelu obtained legal heirship certificate from the office of the Tahsildar, Egmore, Nungambakkam on 22.04.2005.

3. Thereafter, the petitioner submitted an application for obtaining legal heirship certificate of the deceased Thangavelu. On 13.04.2013, the petitioner obtained a legal heirship certificate from the 2nd respondent.

4. Thereafter, the said Thiruselvam submitted an objection before the office of the Collector, Chennai for cancelling the legal heirship certificate obtained by the petitioner, stating that she is not a daughter of his father. On receipt of the said objection, report had been called for from the Tahsildar, Egmore-Nungambakkam Taluk. In the report, the Tahsildar, Egmore-Nungambakkam Taluk, had stated that the late Thangavelu had two wives. Hence, the legal heirship certificates obtained by Thiruselvam and the petitioner should be cancelled and the petitioner may be directed to obtain necessary orders from the competent Court. Apart from the report, both the applicants, namely, Thiruselvam and the petitioner, Komala had been enquired by the office of the District Collector, Chennai.

5. When there are more than one claim in respect of legal heirship certificate, then the parties should approach the competent Civil Court of law for issuance of legal heirship certificate. In the present case, two legal heirship certificates were obtained, one by Thiruselvam and the another by the petitioner herein. Therefore, the District Collector, Chennai has cancelled both legal heirship certificates and directed the parties to approach the competent Civil Court of law for the purpose of resolving the issues.

6. This being the facts and circumstances of the case, this Court do not find any infirmity or perversity in the impugned order dated 27.05.2015. However, the parties are at liberty to approach the competent Civil Court of law. After resolving the issues the parties may approach the competent authorities for issuance of legal heirship certificate.



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7. With the above observation, the Writ Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Collector,
Office of the Collectorate,
Chennai - 600 001.
2. The Tahsildar,
Egmore-Nungambakkam Taluk,
Nungambakkam,
Chennai - 600 031.

+1cc to the Government Pleader, S.R.No.2778

W.P.No.28022 of 2015

GPL(CO)
RLP(11/02/2022)