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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.06.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.14564 of 2022

and

W.M.P.No.13767 of 2022

M.Manodhambal

..Petitioner

-Vs-

1. The District Collector,
Collector Office,
Ariyalur District.
2. The Tasildhar,
Dhasildhar office,
Ariyalur District.
3. The Revenue Inspector,
Thirumanoor Village,
Ariyalur District.
4. P.Rajamani
5. R.Thiruveragam
6. R.Palanisamy

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the legal heir certificate issued by the 2nd respondent dated 28.02.2017 in P.a.mu.A1/944/2017 and quash the same and direct the 2nd respondent to issue a fresh legal heir certificate by adding the petitioner's name as per law.

For Petitioner : Mr.J.Abdul Rahim

For Respondents : Mr.B.Vijay
Additional Government Pleader
for R1 to R3

O R D E R

This writ petition has been filed challenging the impugned legal heirship certificate dated 28.02.2017 issued by the 2nd



respondent disclosing the respondents 4 to 6 as the legal heirs of the deceased Mr.Rengasamy who died on 12.06.2011. The petitioner claims that she is the daughter of first wife of the deceased Rengasamy.

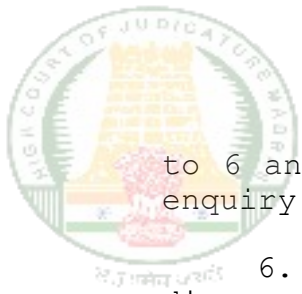
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2. According to the petitioner, under the impugned legal heirship certificate, the 2nd respondent has issued the legal heirship certificate without proper enquiry and issued the same disclosing only the second wife and her two sons as the only legal heirs excluding the petitioner. The legal heirs disclosed in the impugned legal heirship certificate are 4th to 6th respondents.

3. Admittedly, the petitioner has not been heard in the enquiry proceedings which culminated in the issuance of the impugned legal heirship certificate. The petitioner has enclosed the documents along with the writ petition including a Will dated 06.10.2008, in order to substantiate her claim that she is also one of the legal heirs of the deceased Rengasamy. It is for the statutory authority to consider the same on merits and in accordance with law.

4. Admittedly, there is a statutory appeal available to the petitioner if aggrieved by the impugned legal heirship certificate. The petitioner has not availed the same, but instead has chosen to file the present writ petition. The learned counsel for the petitioner, on instruction, has also not raised any serious objection if a direction is issued by this Court to the petitioner to approach the R.D.O. who is the competent Appellate Authority. No prejudice would be caused to the petitioner as well as the respondents, if a direction is issued by this Court to the petitioner to challenge the impugned legal heirship certificate dated 28.02.2017 issued by the 2nd respondent before the R.D.O. within a time frame to be fixed by this Court and consequential direction is also issued to direct the R.D.O. to pass final orders on the said statutory appeal within a time frame to be fixed by this Court after affording a fair hearing to the petitioner and the persons who have been disclosed as legal heirs under the impugned legal heirship certificate.

5. For the forgoing reasons, this Court directs the petitioner to file a statutory appeal before the concerned RDO as against the impugned legal heirship certificate dated 28.02.2017 issued by the 2nd respondent within a period of one week from the date of receipt of a copy of this order. On receipt of the said statutory appeal within the stipulated time, the concerned RDO shall pass final orders on the said statutory appeal within a period of three months thereafter after affording a fair hearing to the petitioner and the respondents 4



to 6 and any other necessary party whom the R.D.O. deems fit to enquiry.

6. With the aforesaid direction, the Writ petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-V)

//True copy//

Sub Assistant Registrar

vsi

To

1. The District Collector,
Collector Office, Ariyalur District.
2. The Tasildhar,
Dhasildhar office, Ariyalur District.
3. The Revenue Inspector,
Thirumanoor Village,
Ariyalur District.
4. The Revenue Divisional Officer,
Ariyalur.

+1cc to Mr.J.Abdul Rahim, Advocate SR.No.34809

+1cc to Government Pleader SR.No.35372

W.P.No.14564 of 2022

RK(CO)
GMY(20/06/2022)