



W.P.No.21752 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.21752 of 2021

S.Saravanan

.. Petitioner

Vs

1. The Tahsildhar
Fort-Tondiarpet
Chennai.

2. S.Gowri

3. Vijayalakshmi

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to cancel the legal heirship certificate dated 05.09.2011 vide No.நிமு.அ.6 எண்/24515/11 been issued by the first respondent, Tahsildar Fort-Tondiarpet on basis of the false particulars and affidavit of second and third respondents.

For Petitioner : Mr.T.K.S.Gandhi

For Respondent 1 : Mr.R.Kumaravel
Additional Government Pleader

For Respondents
2 and 3 : Notice dispensed with



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ORDER

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The prayer sought for in this writ petition is a writ of Mandamus to direct the first respondent to cancel the legal heirship certificate dated 05.09.2011 vide No.நிமு.அ.6 எண்/24515/11 been issued by the first respondent, Tahsildar Fort-Tondiarpet on basis of the false particulars and affidavit of second and third respondents.

2. In respect of the petitioner's mother, one Nagapoosanam, legal heir certificate was issued by the respondent Tahsildar on 05.09.2011, wherein, the father's second wife's daughter, i.e., one S.Vijayalakshmi has also been included i.e, the third respondent in this writ petition. Therefore, objecting the said legal heir certificate, the petitioner has given a representation to cancel the said legal heir certificate to the first respondent Tahsildar, which, he has not considered and hence, the petitioner has approached this Court by filing the present writ petition.

3. Heard Mr.T.K.S.Gandhi, learned counsel appearing for the petitioner and Mr.R.Kumaravel, learned Additional Government Pleader appearing for the official respondent. In view of the order going to be passed in this writ petition, the notice to the second and third respondents is dispensed with.



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4. Mr.R.Kumaravel, learned Additional Government Pleader submits that the Government has recently issued G.O.Ms.No.478, Revenue and Disaster Management Department dated 29.09.2022, in which, the mandatory guidelines as to how the application to be submitted by the parties for getting legal heir certificate has been dealt with.

5. The learned Additional Government Pleader also submits that as against the order passed by the Tahsildar, granting or not granting the legal heir certificate and the dispute arose on the legal heir certificate issued, an appeal petition shall be filed to the Revenue Divisional Officer within a period of one year from the date of issuance of the certificate. Quoting this provision, the learned Additional Government Pleader would contend that, against the legal heir certificate dated 05.09.2011, though belatedly, the petitioner can make an appeal to the concerned Revenue Divisional Officer and if such an appeal is made, that would be considered in accordance with law.

6. Having regard to the said submissions made by the learned counsel appearing for the petitioner and especially the stand taken by the learned



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Additional Government Pleader and also having regard to the import of the G.O.Ms.No.478 referred to above, this Court feels that, in respect of the grievance of the petitioner against the legal heir certificate issued by the first respondent dated 05.09.2011 is concerned, he can very well prefer an appeal before the Revenue Divisional Officer concerned and if such an appeal has not been filed already, this Court feels that time can be granted to the petitioner to prefer an appeal.

7. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

That the petitioner can file an appeal against the legal heir certificate dated 05.09.2011, with regard to his grievance to exclude the name of the third respondent or otherwise and such an appeal can be filed by the petitioner to the Revenue Divisional Officer concerned within a period of thirty days from the date of receipt of a copy of this order and if such an appeal is filed, the concerned Revenue Divisional Officer can pass orders thereon on merits and in accordance with



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law, of course, after hearing both the petitioner as well as the other legal heirs, whose names are found in the legal heir certificate issued by the first respondent dated 05.09.2011 within a period of eight weeks thereafter.

8. With these directions, this writ petition is disposed of. There shall be no order as to costs.

01.11.2022

Index: Yes/No

drm/sp

To

The Tahsildhar
Fort-Tondiarpet
Chennai.



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R. SURESH KUMAR, J.

(drm)

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