



W.P.No.10000 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.12.2022

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.10000 of 2014

and

M.P.No.2 of 2014

Malliga

... Petitioner

Vs

1. The District Collector,
Kancheepuram,
Kancheepuram District.

2. The Tahsildar,
Cheyyur Taluk Office,
Cheyyur, Kancheepuram District.

3. Sriraman

4. Varalakshmi

5. Veeraraghavan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd Respondent's in issuing the impugned Legal Heir Certificate in reference No. U.µ/2226/2012/ 28, dated 22.11.2012 by wrongly including the names of the Respondents 3 to 5 as the legal heirs of late Perumal Naidu and quash the same



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and direct the 2nd Respondent to issue the correct legal heirs certificate of the Petitioner's father late Perumal Naidu S/o Mr.Chinna samy Naidu by stating she is his only legal heir, after holding necessary enquiry in this regard.

For Petitioner : Mr.N.Nagu Sah

For Respondents : Mr.B.Vijay (for R1 and R2)
Additional Government Pleader

Mr.S.Sriram
for Mr.K.Govi Ganesan (for R5)

No Appearance (for R3 and R4)
(Service is complete and description
printed in the cause list)

ORDER

The petitioner claims to be the only daughter of one late Perumal Naidu S/o. Chinnasamy Naidu, a resident of Ayakkunam Madhura, Puthamangalam Village, Cheyyur Taluk, Kancheepuram District. Her mother was one Radhammal, who had passed away in the year 1994. Perumal Naidu had passed away intestate on 18.12.2006 and according to the petitioner, she is the sole surviving legal heir as a result that she succeeds to his estate as the absolute owner of all assets left by the deceased father.

2.While this is so, private respondents R3 to R5 whom, the petitioner claims are the sons and daughters of one Kanagambaram and Chandiran, are alleged to have manipulated the records and obtained the impugned legal



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heirship certificate, projecting as though the said Kanagambaram was the second wife of late Perumal Naidu. The petitioner has objected to the arraying of R3 to R5 as the legal heirs of Perumal Naidu in the impugned legal heirship certificate and has also sent a representation to the 2nd respondent on 30.05.2012 in this regard.

3. According to the respondents, the impugned legal heirship certificate has been issued only after due enquiry, in the sense that a notice was issued calling upon the petitioner to appear for enquiry, to which she did not respond. The petitioner would deny this and claims that the impugned certificate has been issued unilaterally and without reference to her.

4. The respondents were, on an earlier hearing, directed to produce the records to establish the veracity of their statement in counter that notices have been issued prior to the issuance of the impugned certificate. However, no records have been produced at any earlier date, and none are produced before me now. In light of the same, this Court is of the considered view that the procedure for issuance of the legal heirship certificate does not appear to be transparent and in violation of the principles of natural justice.

5. In light of the rival claims that have been put forth by the petitioner as well as the private respondents, it is necessary that the authority take note of the



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same as well as all surrounding facts and circumstances and decide the issue

thereafter. Learned Additional Government Pleader refers to a recent Government Order in G.O.(Ms)No.478, Revenue & Disaster Management, Revenue Administration Wing, RA-3(2) Section, dated 29.09.2022 that inter alia provides for the hierarchy of authorities in Revenue Administration and the procedure to be followed in matters coming under their ambit.

6.In cases where the document issued, such as a legal heirship certificate, is disputed, an appeal is provided to the District Revenue Officer (DRO). However, the present Writ Petition is of the year 2014 and I am thus of the view that there is no necessity to relegate the parties to appeal, since the representation of the petitioner dated 30.05.2012 is admittedly pending before R2.

7.The petitioner and R5 who are represented before me will appear before R2 on 23.12.2022 at 10.30 a.m. without expecting any further notice and their position will be ascertained qua representation dated 30.05.2012. Notice will be issued in the meantime to R3 and R4 as well fixing the date of hearing in the month of January 2023 when all the parties, petitioner and private respondents, shall be heard in extenso by R2. After hearing the parties, the 2nd respondent shall take an appropriate view in regard to their rival claims, in accordance with law and bearing note of G.O.(Ms) NO.478, dated 29.09.2022.



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WEB COPY 8. This Writ Petition stands disposed as above. No costs. Connected miscellaneous petition is closed.

20.12.2022

Index : Yes / No

Speaking Order

vs

Note: Issue order copy on 21.12.2022.

To

1. The Board of Discipline,
Rep by its Presiding Officer,
ICAI Bhawan, Indraprastha Marg,
New Delhi - 110 002.

2. The Institute of Chartered Accountants of India,
Rep. by its Senior Executive Officer,
Disciplinary Directorate,
ICAI Bhawan, Indraprastha Marg,
New Delhi - 110 002.



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Dr.ANITA SUMANTH,J.

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