



WEB COPY



W.P.No.28861 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.28861 of 2022

K.Dharma

.... Petitioner

-Vs-

1.The District Collector
Chengalpattu District
Chengalpattu.

2.The Tahsildar
Chengalpattu Taluk
Chengalpattu.

3.Smt.Sivagami

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents particularly the 2nd respondent to consider the petitioner's representation sent on 10.09.2022 for cancellation of the said legal heir certificate.

For Petitioner : Mr.R.Thanjan

For Respondents : Mr.T.K.Saravanan
Government Advocate – for RR 1 and 2

ORDER



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The prayer sought for herein is for a Writ of Mandamus directing the respondents particularly the 2nd respondent to consider the petitioner's representation sent on 10.09.2022 for cancellation of the said legal heir certificate.

2. Petitioner is the paternal grandson of one Muthammal who died on 06.11.1976. The third respondent is the daughter of the said Muthammal, who seems to have made an application to the second respondent to get a legal heirship certificate and accordingly a legal heir certificate was given in the year 2012, wherein the second respondent has shown only the third respondent as the legal heir of the deceased Muthammal leaving the other legal heirs including the petitioner. Therefore, in order to cancel the said legal heir certificate the petitioner has given a representation to the second respondent on 10.09.2022 and the same since has not been considered, the petitioner has approached this Court by filing the present writ petition with the aforesaid prayer.

3. Heard Mr.R.Thanjan learned counsel for the petitioner and Mr.T.K.Saravanan, learned Government Advocate appearing for respondents 1 and 2.

4. Learned Government Advocate would submit that, as per the latest



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Government Order in G.O.Ms.No.478, Revenue and Disaster Management

Department dated 29.09.2022, mandatory guidelines have been provided under which if any order of legal heir certificate is passed by the Tahsildar concerned and if anybody has any grievance over the same, the aggrieved party can prefer an on-line appeal to the Revenue Divisional Officer concerned within one year and without preferring an appeal, the petitioner cannot give an application to the Tahsildar himself to cancel the certificate. Therefore, as per the procedure contemplated under the aforesaid Government Order, let the petitioner prefer an appeal to the Revenue Divisional Officer concerned. Learned Government Counsel further submits that since the legal heir certificate was given in the year 2012, the appeal shall be preferred along with a condone delay petition and that would be considered by the Revenue Divisional Officer concerned.

5. Having regard to the said stand taken by the learned Government Advocate, this Court is inclined to dispose of this writ petition with the following order.

- That there shall be a direction to the petitioner to file an on-line appeal to the Revenue Divisional Officer concerned against the legal heir certificate issued in the year 2012 including only the third respondent as the legal heir of the deceased Muthammal, within a period of two weeks from the date of receipt of a copy of this order.



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- On receipt of such appeal, the Revenue Divisional Officer concerned shall consider the same and pass necessary orders after giving an opportunity of being heard both to the petitioner as well as the other legal heirs and also after getting a report to that effect from the second respondent Tahsildar, within a period of six weeks thereafter.

6. With the above directions, this writ petition is disposed of. No costs.

02.11.2022

Index : Yes/No
Internet : Yes/No
KST
To

1.The District Collector
Chengalpattu District
Chengalpattu.

2.The Tahsildar
Chengalpattu Taluk
Chengalpattu.



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R. SURESH KUMAR, J.

KST

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