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W.P.No.31110 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.31110 of 2022

N.Madhankumar

... Petitioner

Vs

1.The District Collector,
Coimbatore.

2.The Revenue Divisional Officer,
Coimbatore (South)
Coimbatore.

3.The Tahsildar,
Coimbatore (South),
Coimbatore – 641 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd and 3rd respondents to issue legal heirship certificate based on the application and representation made by the petitioner dated 08.01.2022 and 30.03.2022 respectively on the basics of the G.O.(Ms)No.478 dated 29.09.2022.

For Petitioner : Mr.N.Srinivasan

For Respondents : Mr.N.Naveenkumar
Government Advocate



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ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus directing the 2nd and 3rd respondents to issue legal heirship certificate based on the application and representation made by the petitioner dated 08.01.2022 and 30.03.2022 respectively on the basis of the G.O.(Ms) No.478 dated 29.09.2022.

2. One Kuppuraj married one Jothi long years back. However, within a span of few days, as claimed by the petitioner, the lady deserted the said Kuppuraj and married another man out of their wedlock there were three children.

3. From that date Kuppuraj had been living independently without going for any second marriage and he has been looked after by the family of the petitioner who is none other than the brother's son in other words the said Kuppuraj is the petitioner's paternal uncle.

4. The said Kuppuraj died on 05.11.2021. During the lifetime of the said Kuppuraj he had executed a Will in favour of the petitioner by adopting the petitioner as his adopted son. Based on these documents and proof, the



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petitioner claimed to be the legal heir of the said Kuppuraj and made application through online on 08.01.2022 to the 3rd respondent/Tahsildar for getting legal heir certificate.

5. The said application has been kept still pending. However, in the meanwhile the said Jothi who married said Kuppuraj and deserted within a span of few days had married another man lived happily for all these years seems to have made an application to get legal heir certificate of the said Kuppuraj, that was initially considered and granted by the concerned authority where the petitioner had made a representation on 30.03.2022 to the 3rd respondent to cancel the same and accordingly after conducting the enquiry, the Tahsildar has sent a report to the Revenue Divisional Officer i.e., the 2nd respondent to cancel the said legal heir certificate issued in the name of the Jothi and the Revenue Divisional Officer i.e., the 2nd respondent, by his proceedings dated 06.08.2022, has cancelled the legal heir certificate issued in the name of the Jothi, with the following orders:

“பார்வை 2-ல் காணும் கோயம்புத்தூர் தெற்கு
வட்டாட்சியர் அறிக்கையின் அடிப்படையிலும்,
ஆவணங்களை பரிசீலனை செய்ததிலும் கோயம்புத்தூர்
தெற்கு வட்டாட்சியரால் வழங்கப்பட்ட வாரிக்ச்சான்று



எண்.TN.No.720220128966, நாள்:09.03.2022-ன்படி வாரிசு
சான்றை இரத்து செய்து உத்திரவிடப்படுகிறது.”

6. Therefore, the legal heir certificate given to the said Jothi has since been cancelled, there can be no impediment for the respondents especially the 3rd respondent to consider the application of the petitioner which was submitted on 08.01.2022 through online for grant of legal heir certificate to the petitioner. In order to seek for a mandamus to give a direction to the 3rd respondent to process the application submitted by the petitioner as stated supra, the present writ petition has been filed.

7. Heard Mr.N.Srinivasan, learned counsel appearing for the petitioner who having reiterated the aforestated would seek indulgence of this Court.

8. Heard Mr.N.Naveenkumar, learned Government Advocate appearing for the respondents who would submit, on instruction that, since the legal heir certificate to Jothi since has been cancelled by the orders of the Revenue Divisional Officer / 2nd respondent herein dated 06.08.2022,



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there can be no further impediment for the 3rd respondent to consider and process the application submitted by the petitioner dated 08.01.2022 through online and accordingly the same would be considered and processed and a final order would be passed after hearing the petitioner in this regard as per the mandatory guidelines contemplated under G.O.(Ms).No.478 Revenue & Disaster Management, Revenue Administration Wing, RA-3(2) Section, dated 29.09.2022.

9. I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

10. Since the said stand is taken by the learned Government Advocate appearing for the respondents, where the earlier legal heir certificate issued in the name of the said Jothi since was cancelled and that has become final and when no appeal has been filed by the said Jothi, there can be no further impediment for the respondents to process the application submitted by the petitioner and in that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:



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That there shall be a direction to the 3rd respondent to process the application of the petitioner submitted on 08.01.2022 through online as per the provisions of the G.O.(Ms).No.478 dated 29.09.2022 after hearing the petitioner in this regard if need arises. The needful as indicated above shall be undertaken by the 3rd respondent and the orders to that effect to grant a legal heir certificate be passed by the 3rd respondent within a period of four weeks from the date of receipt of a copy of this order.

11. With this direction, this Writ Petition is disposed of. No costs.

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Index : Yes / No

Speaking Order : Yes / No

Note : Issue order copy on 28.11.2022

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To

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R. SURESH KUMAR, J.

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