



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2022

CORAM

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.2822 of 2022
and W.M.P.(MD).Nos.2477 and 2478 of 2022

Pushpam

.. Petitioner

Vs.

1.The Revenue Divisional Officer,
Sivagangai District.

2.The Tahsildar,
Thirupuvanam Taluk,
Sivagangai District.

3.D.Karthick

4.P.Buvaneswaran

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned order of the 1st respondent in Na.Ka.A.1-6870-2021 dated 04.01.2022 and quash the same so far as the legal heir certificate issued in the proceedings of the 2nd respondent in favour of petitioner in Mu.Mu/7476/1990 dated 12.07.1990.

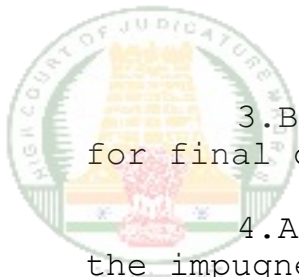
For Petitioner : Mr.K.K.Ramakrishnan

For Respondents : Mr.D.Sasikumar for R1 and R2
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order dated 04.01.2022, passed by the first respondent cancelling two Legal Heirship Certificates, one dated 12.07.1990 and other dated 16.02.2021. The said Legal Heirship Certificates were issued for Ammapillai Ammal.

2.Heard Mr.K.K.Ramakrishnan, learned counsel appearing for the petitioner and Mr.D.Sasikumar, learned Additional Government Pleader, appearing for the respondents 1 and 2.

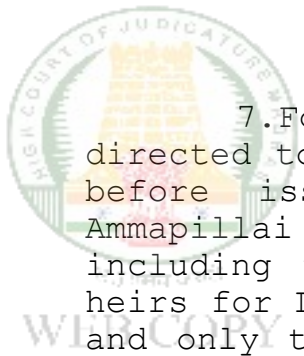


3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4.According to the petitioner, without issuing notice to her, the impugned order has been passed. It is the case of the petitioner that she is the daughter of Ammapillai Ammal and therefore, notice ought to have been given by the first respondent before passing the impugned order. The learned counsel for the petitioner drew the attention of this Court to the Legal Heirship Certificate, dated 12.07.1990 for Ammapillai Ammal issued by the Tahsildar, wherein, the name of the petitioner is found and her relationship has also been disclosed as the daughter of the deceased Ammapillai Ammal. The learned counsel for the petitioner also drew the attention of this Court to another Legal Heirship Certificate dated 16.02.2021, issued for the very same Ammapillai Ammal and submitted that the name of the petitioner is not found in the same.

5.The learned counsel for the petitioner also drew the attention of this Court to the order dated 09.12.2021, passed in W.P.(MD).No.21826 of 2021, under which the first respondent is directed to pass orders on Mr.Karthick's representation with regard to the issuance of Legal Heirship Certificate for Ammapillai Ammal. The impugned order dated 04.01.2022, passed by the first respondent is in compliance with the order dated 09.12.2021, passed by this Court in W.P.(MD).No.21826 of 2021. In the impugned order, both the aforementioned Legal Heirship Certificates have been cancelled and aggrieved by the same, the petitioner has filed this writ petition.

6.As seen from the impugned order dated 04.01.2022, passed by the first respondent after cancelling both the aforementioned Legal Heirship Certificates, the first respondent has directed the second respondent to issue a fresh Legal Heirship certificate for Ammapillai Ammal. Therefore, this Court is of the view that the petitioner's right to claim as a Legal Heir of Ammapillai Ammal is not deprived. But, she has to be necessarily heard before the second respondent issues a fresh Legal Heirship Certificate for the Late Ammapillai Ammal. The petitioner claims that she is the daughter of Ammapillai Ammal and is a legal heir. The petitioner in the affidavit filed in support of the writ petition also claims that Mr.Karthick and Mr.Buvaneswaran, the respondents 3 and 4 herein are not the legal heirs of Ammapillai Ammal. Therefore, the petitioner's objections will have to be considered on merits and in accordance with law by the second respondent before a Legal Heirship Certificate issued by him. Insofar as the impugned order is concerned, this Court is of the considered view that it will not affect the rights of the petitioner as the first respondent has only directed the second respondent to issue a fresh Legal Heirship Certificate in place of the earlier ones issued by him after holding an enquiry.



7.For the foregoing reasons, the second respondent is directed to give notice to the petitioner and hold a proper enquiry before issuing a fresh Legal Heirship Certificate for Late Ammapillai Ammal and also consider the petitioner's objections for including the names of the third and fourth respondents as legal heirs for Late Ammapillai Ammal on merits and in accordance with law and only thereafter, issue a fresh Legal Heirship Certificate for the Late Ammapillai Ammal. The second respondent is directed to complete the exercise of issuing a fresh Legal Heirship Certificate for Late Ammapillai Ammal after affording opportunities to all the parties concerned including the third and fourth respondents herein, within a period of twelve weeks from the date of receipt of a copy of this order.

8.With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Revenue Divisional Officer, Sivagangai District.

2.The Tahsildar, Thirupuvanam Taluk, Sivagangai District.

+1 CC to M/s.SPL GP (SR-5920[F] dated 14/02/2022)

+1 CC to M/s.K.K.RAMAKRISHNAN, Advocate (SR-5781[F] dated 11/02/2022)

W. P (MD) .No.2822 of 2022

AP(26.02.2022) 3P 5C