



W.P.(MD).No.14696 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2022

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.14696 of 2020

V.Kalyanakumar

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Devakottai Revenue Division,
Devakottai,
Sivagangai District.

2.The Tahsildar,
Devakottai Taluk,
Devakottai,
Sivagangai District.

3.V.Ramanathan

4.V.Elavarasi

5.V.Thillaikarasi

6.V.Mathumalar

...Respondents

*(R-3 to R-6 are impleaded vide Court order dated 01.07.2022 in W.M.P.
(MD).No.14463 of 2020 in W.P.(MD).No.14696 of 2020)*



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent in connection with the impugned order of rejection passed by him vide his proceedings in Na.Ka. A2/5162/2019 dated 16.09.2020 and quash the same as illegal and arbitrary and thereby direct the first respondent to include the petitioner's mother's name namely K.Chandra and his name K.Kalyanakumar in the Legal Heirs Certificate of his deceased father namely K.Veerassamy issued by the second respondent vide his proceedings in Pa.Mu.A6/5494/09 dated 08.07.2009 in the light of the order passed by this Court in a similar case in W.P.(MD).No.15901 of 2018 dated 03.08.2018 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu
For R-1 and R-2 : Mr.M.Prakash,
Additional Government Pleader.
For R-3 to R-6 : Mr.S.C.Herold Singh

ORDER

Heard the learned counsel on either side.

2. The petitioner's father, namely, K.Veerassamy, got married to one Lalitha and through the said wedlock, he begot the respondents 3 to 6. The said



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Lalitha is said to have passed away on 22.04.1984. Thereafter, the petitioner's father, K.Veerasingam, got married to one Chandra on 15.11.1985. A child, by name, Sornalingam, was born on 15.06.1987. The said K.Veerasingam passed away on 13.05.2009.

3. The grievance of the petitioner is that the children born through the first wife obtained Legal Heirs Certificate, as if they alone are the legal heirs. The same was questioned by the petitioner before the Revenue Divisional Officer, Devakottai. By the impugned order, the first respondent held that there is no scope for the Revenue Divisional Officer to issue Legal Heirs Certificate by including the names of Class II legal heirs. The said order, dated 16.09.2020, is put to challenge in the present Writ Petition.

4. The impugned order is liable to be set aside on a short ground. The specific case of the petitioner is that he is Class I legal heir. There is no dispute that the said Lalitha, who is the first wife of K.Veerasingam, had passed away on 22.04.1984. Veerasingam's marriage with Chandra took place only on 15.11.1985. Whether the said Chandra's relationship with Veerasingam was dissolved in the manner known to law and whether the petitioner herein was the



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person, who was born on 15.06.1987, are matters for enquiry. Instead of focusing his attention on the actual issues thrown up for enquiry, the first respondent had misdirected himself and proceeded on the footing that the petitioner in his capacity as a Class II legal heir is asking his name to be included in the Legal Heirs Certificate. The whole approach of the first respondent is incorrect. On that ground, the impugned order stands quashed. The Writ Petition is allowed and the matter is remitted back to the first respondent to pass orders afresh in accordance with law. The first respondent shall issue notice to the petitioner as well as the private respondents herein and thereafter, pass final order. The entire exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

15.07.2022

Index : Yes / No
Internet : Yes/ No
Lm



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To

1. The Revenue Divisional Officer,
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Devakottai,
Sivagangai District.
2. The Tahsildar,
Devakottai Taluk,
Devakottai,
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G.R.SWAMINATHAN, J.

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