



WP(MD)N.26717 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.26717 of 2022

S.Bhagawathi Raj

... Petitioner

Vs

1.The District Collector,
Collectorate, Theni,
Theni District.

2.The Tahsildar,
Taluk Office,
Aundipatti Taluk, Aundipatti,
Theni District.

...Respondents

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 pertaining to the impugned order in Na.Ka.No.7512/2022/Aa3, dated 12.10.2022 on the file of the second respondent and quash the same as illegal and consequently to direct the second respondent to issue the legal heir certificate within the time stipulated by this Court.

For Petitioner :Mr.S.Louis

For Respondents: Mr.D.Gandhiraj (for R1 & R2)
Special Government Pleader

ORDER

This writ petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus to quash the impugned order in Na.Ka.No.



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7512/2022/Aa3, dated 12.10.2022 passed by the second respondent and

consequently, direct the second respondent to issue the legal heir certificate within the time stipulated by this Court.

2. Heard the learned counsel appearing for the petitioner and Mr.D.Gandhiraj, learned Special Government Pleader appearing for the respondents.

3. The petitioner's claim for issuing legal heirship certificate was rejected by the Tahsildar, Aundipatti Taluk, vide proceedings in Na.Ka.No. 7512/2022/Aa3, dated 12.10.2022. It is submitted that the petitioner's father had two wives. S.Pandian and S.Muthumari were born through his first wife, and S.Muneeswaran, S.Yuvaraja and the petitioner herein/S.Bhagawathi Raj were born through his second wife, namely, S.Sundaravalli. After the death of R.Surilivel, the petitioner applied for Legal Heir Certificate before the second respondent and the same was rejected, since objection was raised from the legal heirs of deceased through his first wife stating that the petitioner has suppressed the fact that the other legal heirs are there through the first wife of the deceased and also a direction was issued to the petitioner to approach the competent civil Court.



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4. As per G.O.Ms.No.478, Revenue and Disaster Management, Revenue Administration Wing, RA-3(2) Section, dated 29.09.2022, the Legal Heirship Certificate of the deceased (in case of married person) will include the father, mother, spouse, sons and daughters of the deceased. It was also held in the said Government Order that there was an appeal remedy available before the Revenue Divisional Officer against the order passed by the Tahsildar and the same can be filed within a period of one year from the date of issuance/rejection of the application, as the case may be. The power of revision over the orders passed by the Revenue Divisional Officer lies with the District Revenue Officer and Revision Petition shall be filed within a period of one year from the date of passing of the order in appeal.

5. In view of the above said Government Order, this Court is not inclined to entertain this petition. Accordingly, the Writ Petition is dismissed. However, the petitioner is at liberty to approach the appellate authority/Revenue Divisional Officer concerned for getting appropriate relief in the manner known to law. No costs.

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Index : Yes/No

Internet: Yes/No



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V.BHAVANI SUBBAROYAN,J.,

Rmk

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