



W.P.No.359 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07.02.2023**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.359 of 2023

K.Rajagopal

... Petitioner

versus

1 The District Collector
Erode District Erode.

2 The Tahsildar
Sathyamangalam Taluk
Sathyamangalam, Erode District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus directing the 2nd Respondent to forthwith conduct an enquiry on the basis of the complaint of the petitioner dated 18.4.2022 and consequently direct the 2nd respondent to cancel the Legal Heirship Certificate of Late Periyamarudhan Chettiar @ Marudhan Chettiar since it has been obtained by suppression of material facts as per the provisions of Clause No. 10 in the Annexure to the G.O. (Ms) No.478, Revenue and Disaster Management (RA-3(2)) Department, dated 29.09.2022.

For the Petitioner : Mr.K.Selvaraj

For the Respondents : Mr.M.Geetha Thamarai Selvam
Special Government Pleader



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ORDER

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The writ petition has been filed in the nature of mandamus seeking a direction to the second respondent namely the Tahsildar, Sathyamangalam Taluk, Erode District to conduct an enquiry on the basis of complaint given by the petitioner on 18.04.2022 and consequently direct the second respondent to cancel the legal heirship certificate issued to the alleged legal heirs of Periyamarudhan Chettiar alias Marudan Chettiar.

2 I am grateful to the learned Special Government Pleader for giving the precise facts by way of instructions.

3. The short facts are these:

a) The maternal grandfather of the petitioner was Periyamarudhan Chettiar. The maternal grandmother of the petitioner, was Thulasiammal. Periyamarudhan Chettiar was residing at Door No. 20, Sathy-Erode, Ariyappampalayam, Sathyamangalam abetting Erode main road. He died on 03.06.2009. His wife Thulasiammal also died. He left behind two daughters and two sons. They are



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Nallammal/mother of the petitioner and her sister Chandra and her two brothers, Selvam and Ayyasamy. When legal heirship certificate was obtained by the two sons namely Selvam and Ayyasamy, they had omitted to show the names of their own sisters Nallammaal/mother of the petitioner and Chandra. That is the cause of grievance for the petitioner herein.

b) It is stated that Nallammal had died even prior to Periyamarudhan Chettiar's death. This would indicate that her legal heirs namely, the father of the petitioner, petitioner and his brother should have been named included the legal heirs of Periyamarudhan Chettiar in their capacity as legal heirs of a pre-deceased daughter. Complaining that a fraud had happened, the petitioner had given a representation.

4. It is contended that an appeal should be filed against the grant of such legal heirship certificate by the second respondent. However, since the legal heirship certificate contains the names of two sons alone, it is prima facie bad and cannot withstand judicial scrutiny. It has to be interfered with. I would direct the petitioner herein to



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apply for legal heirship certificate through proper procedure claiming that status of Periyamarudhan Chettiar. When that application is received by the Tahsildar, and if he finds that there are further legal heirs then, the two legal heirs given in the earlier certificate then he can direct cancellation of that particular document since it is vitiated by suppression of material fact and proceed to issue a fresh legal heirship certificate.

5. Let a proper enquiry be done particularly with the two maternal uncles of the petitioner Selvan and Ayyasamy and also with the maternal aunt of the petitioner, Chandra to determine the actual legal heirs of Periyamarudhan Chettiar. Thereafter, a fresh legal heirship certificate if warranted, can be issued. It all depends on the details provided by the petitioner in his application.

6. Recording as above, the writ petition stands disposed of. No costs.

07.02.2023

Index: Yes/no

mrn

To

1 The District Collector

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Erode District Erode.

2 The Tahsildar
Sathyamangalam Taluk
Sathyamangalam, Erode District.



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C.V.KARTHIKEYAN, J.
(mrn)

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