



W.P.No.3765 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.3765 of 2023

M.Thiraviyam

... Petitioner

Vs.

1.The District Collector,
Chennai District,
Chennai – 600 001.

2.The Revenue Divisional Officer,
Chennai Central Division,
Thirumangalam, Chennai.

3.The Tahsildar,
Mambalam Taluk,
Chennai.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records and quash the orders passed by the second respondent in his letter No.Na.Ka.No.4814/2022/A4 dated 30.09.2022 and direct the respondents to issue to the petitioner corrected legal heir certificate mentioning threat the marital status of the petitioner's two brothers (1)Kalidoss who died in the



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year 2021 and (2)M.Chandrasekaran @ Chandran who died in the year 2022 as unmarried.

For Petitioner : Mr.S.Chandrasekar
For Respondents : Mr.U.Baranidharan,
Additional Government Pleader

ORDER

This petition has been filed seeking to quash the orders passed by the second respondent in his letter No.Na.Ka.No.4814/2022/A4 dated 30.09.2022 and consequently, direct the respondents to issue corrected legal heir certificate to the petitioner mentioning threat the marital status of the petitioner's two brothers (1)Kalidoss who died in the year 2021 and (2)M.Chandrasekaran @ Chandran who died in the year 2022 as unmarried.

2. It is the case of the petitioner that the petitioner had two brothers viz., Kalidoss and chandrasekaran @ Chandran, both the brothers died in the year 2021 and 2022 respectively. Until their death, both of them lived as unmarried. In the legal heir certificate issued by the Tahsildar dated 21.11.2007 it has been wrongly mentioned as married. The petitioner in his



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letter dated 16.09.2022 to the RDO, Chennai Central requesting for correction of the legal heir certificate as unmarried. The RDO has rejected the petitioner's request vide order dated 30.09.2022 on the ground that the petitioner has to obtain courts approval/permission for correction. Challenging the said order, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that admittedly the legal heir certificate has been issued in the year 2007 mentioning the petitioner's name and his brothers name as married persons. But, the petitioner's brothers are unmarried until their death. Therefore, this Court may direct the respondents to correct the marital status of the petitioner's brothers as unmarried.

4. The learned Additional Government Pleader submitted that after conducting field verification, the legal heir certificate has been issued. Subsequently, the petitioners brothers died. After their death, the petitioner made application for correction which is not sustainable one. The petitioner has to approach the competent civil forum for getting appropriate remedy. In



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the absence of the other legal heirs, the petitioner filed the present writ petition, which could not be accepted.

5. Heard the learned counsel on either side and perused the materials available on record.

6. As rightly submitted by the learned Government counsel that since the marital status of the petitioner's brother are disputed question of fact, which cannot be decided by this Court. The petitioner has to approach the competent civil forum for getting appropriate remedy. Hence, the prayer sought for by the petitioner cannot be granted and therefore, the writ petition is liable to be dismissed.

7. Accordingly, the Writ Petition is dismissed. No costs.

25.04.2023

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NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

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