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WP No.31455 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17-03-2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.31455 of 2015
And
MP Nos.1 and 2 of 2015

S.Renuka Devi

..

Petitioner

vs.

1.The Tahsildar,
Tambaram Taluk Office,
Tambaram,
Chennai-45.

2.The Tahsildar,
Alandur Taluk Office,
1st Main Road,
Nanganallur,
Chennai-61.

3.Mrs.Revathi

..

Respondents

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Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, calling for the records of the first respondent in Pa.Mu.No.7265/2003/A6 dated 13.06.2003 pertaining to issuance of legal heirship certificate issued in favour of the third respondent and quash the same and consequential relief directing the second respondent to issue legal heirship certificate to the petitioner after conducting proper enquiry.

For Petitioner : Mr.T.Ramachandran

For Respondents-1 and 2 : Mr.S.Ravichandran,
Additional Government
Pleader.

For Respondent-3 : No Appearance

ORDER

The Legal Heirship Certificate issued by the Tahsildar on 13.06.2003 including the third respondent alone as the Legal Heir of Mrs.Jayalakshmi, is under challenge in the present writ petition.



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2. The learned counsel for the petitioner made a submission that the third respondent by falsely representing before the Tahsildar obtained a Legal Heirship Certificate, which is factually incorrect and false.

3. The petitioner states that the other Legal Heirs are also there to the deceased Mrs.Jayalakshmi Ammal, wife of late Sundaram Chettiyar and therefore, the Legal Heirship Certificate issued by the Tahsildar on 13.06.2003, is liable to be set aside.

4. No doubt, the Legal Heirship Certificates are issued by the Tahsildars based on the application submitted by the persons seeking Legal Heirship Certificates. If at all an objection is to be raised, the aggrieved person has to prefer an appeal to the Revenue Divisional Officer by conducting an enquiry with reference to the documents and evidences. Such an enquiry cannot be conducted by the High Court in the writ proceedings. Since the petitioner claims that she is also the legal heir of late Mrs.Jayalakshmi Ammal, an enquiry has to be conducted with reference to



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the documents and evidences on record.

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5. That being the factum, the petitioner is at liberty to prefer an appeal to the Revenue Divisional Officer, who in turn shall provide an opportunity to all the parties concerned and after conducting an enquiry, pass appropriate orders on merits and in accordance with law.

6. With the abovesaid liberty, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

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Speaking Order/Non-Speaking Order.
Neutral Citation : Yes/No.
Internet : Yes/No.
Index: Yes/No.
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To

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S.M.SUBRAMANIAM, J.

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