



W.P.No.8565 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8565 of 2023

E.Dhanasekar

.. Petitioner

Vs.

1. The Revenue Divisional Officer,
Kodambakkam,
Central Madras, Thirumangalam,
Chennai-40.

2. The Tahsildar,
Nungambakkam Taluk,
Chennai.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other writ or order or direction directing the Respondents to consider the petitioner's representation dated 24.01.2023 consequently direct the respondents to issue legal heirs certificate of late Ekambaram son of Chinnathambi.



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For petitioner : M/s.S.N.Subramani

For Respondents : Mr. E.Veda Bagath Singh,

Special Government Pleader

ORDER

This Writ Petition has been filed for a direction to the respondents to consider the petitioner's representation which was made on 24.01.2023 seeking issuance of legal heirship certificate.

2. Mr. E.Veda Bagath Singh, learned Special Government Pleader takes notice for the Respondents.

3. It is the case of the petitioner that the partition deed dated 26.05.1966 was executed between the petitioner's father viz., Elumalai and his brother viz., Chinnathambi. The said Chinnathambi died in the year 1983 leaving behind his son Ekambaram who married one Manikammal and they had no issues. After the demise of said Ekambaram and Manikkammal, the petitioner and his brothers being the second class legal heirs made a representation dated 24.01.2023 before the 1st respondent herein, seeking issuance of legal heirship certificate in favour of the petitioner and his



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brothers, with respect to the deceased Ekambaram. However, no action was taken on the said representation. Hence, the present Writ Petition has been filed.

4. Though very many grounds have been raised, however, the learned counsel appearing for the petitioner submits that it would suffice if this Court issues a direction to the respondents to consider the representation made by the petitioner on 24.01.2023 and pass appropriate orders on the same in accordance with law, within the time that may be stipulated by this Court.

5. Learned Special Government Pleader appearing for the Respondents submits that G.O(Ms).No.478 dated 29.09.2022, Revenue & Disaster Management, Revenue Administration clearly speaks about the classification of Class I & Class II legal heirs. As per the said G.O, the petitioner is not eligible to apply for the legal heirship certificate in respect of the deceased. Hence, the petitioner has no *locus standii* to claim the relief as sought for in this Writ Petition.



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6. In view of G.O.(Ms).No.478 dated 29.09.2022, the petitioner does not fall under the category of second class legal heir. Therefore, the claim of the petitioner with regard to issuance of legal heirship certificate is not sustainable. Hence, the prayer sought for in this Writ Petition cannot be acceded to. However, the liberty is granted to the petitioner to work out the remedy before the competent civil court.

7. Accordingly, this Writ Petition is disposed of with the above liberty. There shall be no order as to costs.

20.03.2023

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Index : Yes / No

Internet : Yes / No



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WEB COPY To

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M.DHANDAPANI, J.

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