



W.P.No.9434 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.9434 of 2023

Saroja

...Petitioner

Vs.

1. The Revenue Divisional Officer,
Dharmapuri District, Dharmapuri.

2. The Tahsildhar,
Nallampalli Taluk, Dharmapuri District.

3. Devi ...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to cancel the Legal heir Certificate in Certificate No.TN-7202107192030 dated 05.08.2021 and to issue Legal heir Certificate by mentioning the petitioner's name alone as the sole legal heir of the deceased Jayaseelan (petitioner's son) by considering the petitioner's representation dated 20.01.2023 within time stipulated by this Hon'ble Court.

For Petitioner : Mr.A.Ilayaperumal



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For Respondents : Mr.U.Bharanidharan, AGP, for R1 & R2

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ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus to direct the 1st respondent to consider the petitioner's representation dated 20.01.2023 and to consequently, cancel the Legal heir Certificate in Certificate No.TN-7202107192030 dated 05.08.2021 and issue fresh Legal heir Certificate by mentioning the petitioner's name alone as the sole legal heir of the deceased Jayaseelan.

2. Mr.U.Bharanidharan, learned Additional Government Pleader takes notice for the 1st and 2nd respondents. In view of the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal.

3. Since no adverse order is being passed against the 3rd respondent, notice to the private respondent is dispensed with.

4. The case of the petitioner is that she married one Krishnan and out of their wedlock, they were blessed with two daughters namely



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Dhanalakshmi and Poongodi and two sons namely Chenrayan and Jayaseelan respectively. On 26.11.2020, the said Jayaseelan/petitioner's younger son married the 3rd respondent herein. However, due to illness, the said Jayaseelan passed away on 30.05.2021, leaving behind the petitioner and the 3rd respondent as his legal heir. Thereafter, the 2nd respondent issued Legal heir certificate, vide Certificate No.TN-7202107192030 dated 05.08.2021, mentioning the petitioner and the 3rd respondent as the legal heirs of the deceased Jayaseelan. However, it is pertinent to note that, the 3rd respondent herein remarried one Saravanan, after which, the 3rd respondent lost her status of wife of the petitioner's son and she is not entitled to be the legal heir of the deceased Jayaseelan. Therefore, the petitioner made a detailed representation dated 20.01.2023 before the 1st respondent, requesting to cancel the above said Legal heir certificate issued in favour of the petitioner and the 3rd respondent and re-issue a fresh Legal heir certificate by mentioning the petitioner herein alone as the legal heirs of the deceased Jayaseelan. Upon receipt of the said representation, though the 1st respondent, vide proceedings dated 30.01.2023 forwarded the petitioner's representation to the 2nd respondent and directed him to conduct enquiry and submit a detailed report, however, till date, no enquiry has been



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conducted by the 2nd respondent, despite several reminders made by the petitioner and no final order has been passed on the petitioner's representation. Hence, this Writ petition.

5. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the 1st respondent to consider the petitioner's representation dated 20.01.2023, cancel the Legal heir Certificate in Certificate No.TN-7202107192030 dated 05.08.2021 and consequently, issue fresh Legal heir Certificate by mentioning the petitioner's name alone as the sole legal heir of the deceased Jayaseelan, as early as possible.

6. Learned Additional Government Pleader appearing for the 1st and 2nd respondents submitted that as per the Government order in G.O.Ms.No.478 dated 29.09.2022, the 1st respondent is the Appellate authority to challenge the Legal heir certificate issued by the 2nd respondent. While so, without exhausting the said appeal remedy, filing the present Writ petition seeking direction to the 1st respondent to cancel the legal heir certificate dated 05.08.2021 issued by the 2nd respondent by considering the petitioner's representation is not sustainable. Hence, he



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prayed for appropriate orders.

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7. In view of the aforesaid submissions made by the learned Additional Government Pleader, this Court without expressing any opinion on the merits of the case, directs the 1st respondent to consider the petitioner's representation dated 20.01.2023 on merits, conduct enquiry in between the petitioner and the 3rd respondent and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner and the 3rd respondent.

8. With the above directions, this Writ petition stands disposed of. No costs.

28.03.2023

skt

Speaking Order : Yes/ No

Index : Yes/ No

To

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M.DHANDAPANI., J.

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