



W.P.No.16103 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.03.2023

C O R A M

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

W.P.No.16103 of 2022

and

W.M.P.No.15727 of 2022 & W.M.P.No.4191 of 2023

G.Muniraj

... Petitioner

Vs

1.The Revenue Divisional Officer,
Central Chennai,
Anna Nagar West Extension,
Chennai.

2.The Tahsildar,
Ayanavaram Taluk,
Chennai.

3.Lakshmi

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus or any other appropriate Writ, Order or Direction in the nature of Writ by calling for the records touching the Order passed by the Revenue Divisional Officer, Chennai Central, the first respondent herein in Proceedings No.3169 of 2021/A4, dated



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31.05.2022 and quash the same and direct the 1st respondent to conduct the enquiry in the fair and just manner by complying with the directions of this Hon'ble High Court given in W.P.No.683 of 2021 dated 03.03.2021 and in W.P.No.17404 of 2021 dated 28.09.2021 by furnishing all the documents filed by the 3rd respondent Smt.Lakshmi to the Writ Petitioner, G.Muniraj and furnish the copy of School record of her husband Mohan to Smt.Lakshmi that was sent by enquiry now by following the procedure in accordance with law.

For Petitioner ... Mr.Subbiah,
Senior Counsel
for M/s.C.Vasanthakumar Chellaiah

For Respondents ... Mr.U.Baranidharan,
Additional Government Pleader for R1 & R2.

... M/s.A.P.Sathya Murthy for R3.

ORDER

This Writ Petition has been filed challenging the impugned order dated 31.05.2022 which was passed by the 1st Respondent cancelling the legal heirship certificate issued in favour of the petitioner herein and for a direction to the 1st respondent to conduct the enquiry as per the directions of this Hon'ble Court in W.P.No.683 of 2021 dated 03.03.2021 and to furnish all the documents filed by the 3rd respondent in W.P.No.17404 of 2021 the petitioner



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herein.

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2. It is the case of the petitioner that the legal heirship certificate which was granted in favour of the petitioner by the 2nd respondent herein vide the proceedings dated 01.08.2018 has been cancelled by the 1st respondent vide the present impugned order dated 31.05.2022 based on the representation made by the 3rd respondent herein who claims to be the daughter-in-law of one G.K.Ganesan, who is the father of the petitioner. A civil suit in C.S.No.170 of 2019 is pending against one Meghanathan and the 3rd respondent herein is seeking recovery of possession of the subject property therein. Further, in an earlier round of litigation, in W.P.No.17404 of 2021, this Court had directed the 1st respondent to furnish the details as sought for by the petitioner within a period of two weeks, however, till date, the said order has not been complied with by the 1st respondent. Hence, the present Writ Petition has been filed.

3. Learned Senior Counsel for the petitioner submits that based on the ex-parte decree passed in favour of the petitioner in O.S.No.6629 of 2015, the legal heirship certificate was granted in favour of the petitioner, however, without considering the same and even without verifying the relevant documents, the 1st respondent had mechanically cancelled the legal heirship



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certificate granted in favour of the petitioner which is wholly unsustainable.

Further the revenue authorities cannot cancel the legal heirship certificate which was granted on the basis of a decree passed in O.S.No.6629 of 2015.

4. On the above contention, this Court heard the learned Additional Government Pleader appearing for respondents 1 & 2.

5. Learned Counsel appearing for the 3rd respondent submits that liberty may be granted to the 3rd respondent to challenge the ex-parte order in the manner known to law.

6. It is evident from the materials available on record that legal heirship certificate has been granted in favour of the petitioner only based on the ex-parte decree which was passed by the trial court in O.S.No.6629 of 2015. That being the case, the revenue authorities have no authority to cancel the legal heirship certificate, as the same can be cancelled only in the manner known to law.



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7. Accordingly, the Order impugned in this Writ Petition is set aside and liberty is granted to the 3rd respondent to work out the remedy before the Competent forum, in the manner known to law.

8. Accordingly, this Writ Petition stands allowed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

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Index: Yes/No

Internet: Yes

To

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