



W.P. No.17892 of 2020 and
W.M.P. No.22176 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

CORAM: JUSTICE N.SESHASAYEE

W.P. No.17892 of 2020 and
W.M.P. No.22176 of 2020

K.Sulochana

... Petitioner

Vs.

1.Kanabiran

2.The Revenue Divisional Officer
North Chennai

3.The Collector
O/o.The Collector Chennai
No.62, Rajaji Salai
Chennai - 600 001

4.The Tahsildar
Perambur Taluk
Chennai - 600 011

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for a writ of certiorari to call for the records relating to the impugned order dated 07.10.2020 in Ref. No. Se. Mu. No.A2/5550/2019 issued by the second respondent by quashing the same as illegal and without jurisdiction.



WEB COPY



W.P. No.17892 of 2020 and
W.M.P. No.22176 of 2020

For Petitioner : Mr.R.Manickavel
For Respondents : Mr.S.Gopinathan for R1
(No Appearance)
Mr.G.Ameedius,
Govt. Advocate for R2 to R4

ORDER

The petitioner herein challenges the cancellation of legal heir certificate granted to the petitioner by the 4th respondent vide impugned proceedings dated 07.10.2020.

2. The petitioner's daughter Pushpalatha passed away on 05.10.2019. Earlier the fourth respondent had issued a death certificate in the name of the petitioner dated 23.10.2019. Later, it was cancelled by the fourth respondent at the instance of the first respondent, who claimed that he is the husband of the petitioner's daughter. What is significant here is that the first respondent has made a statement that he has his first wife living on the date, that he claims he had married petitioner's daughter. Inasmuch as the first respondent's first



W.P. No.17892 of 2020 and
W.M.P. No.22176 of 2020

marriage was subsisting, the alleged marriage of the first respondent to the petitioner's daughter is invalid in law, and the first respondent cannot therefore be a heir to the petitioner's daughter.

3. The learned counsel for the petitioner submitted that when the RDO was not sure about who the legitimate heir of the deceased is, then he ought to have referred the parties to the civil suit.

4. Circulating a government order in G.O. (Ms) No.478 Revenue & Disaster Management dated 29.09.2022, the learned Government Advocate representing the respondents 2 to 4 submitted that vide the above said GO, the Government has framed appropriate guidelines for issuing legal heir certificate and the petitioner has a right of revision to the District Collector.

5. Since there is a disputed question of law and it has to be investigated, it is only appropriate that this court directs the petitioner to prefer a revision to the District Collector on the same.



W.P. No.17892 of 2020 and
W.M.P. No.22176 of 2020

6. With the above direction, the writ petition is disposed of. The petitioner is at liberty to prefer a revision notwithstanding the expiry of 60 days provided in the guidelines, since all these days the petitioner has prosecuted this writ petition may have to be excluded. The petitioner is now directed to prefer her revision within a period of four weeks from today. No costs. Consequently, the connected writ miscellaneous petition is closed.

10.07.2023

Asr

To

1.The Revenue Divisional Officer
North Chennai

2.The Collector
O/o.The Collector Chennai
No.62, Rajaji Salai
Chennai - 600 001

3.The Tahsildar
Perambur Taluk
Chennai - 600 011

4.The Government Pleader,
High Court, Madras



WEB COPY



W.P. No.17892 of 2020 and
W.M.P. No.22176 of 2020

N.SESHASAYEE, J.,

Asr

W.P. No.17892 of 2020 and
W.M.P. No.22176 of 2020

10.07.2023