



W.P.No.30380 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.No.30380 of 2022

Stephen Raj

... Petitioner

Vs

1.The Additional Chief Secretary /
The Commissioner of Revenue Administration
Government of Tamil Nadu
Chennai.

2.The Tahsildar
O/o. The Tahsildar
Vandalur Taluk
Chengalpet Taluk.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Oo.Mu.No.2392/2022/Aa4 dated 18.10.2022 and quash the same as illegal and arbitrary and consequently to direct the respondent to issue the Class II Legal Heir Certificate within the time that may be stipulated by this Court.



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For Petitioner : Mr.L.Rokeshkumar

For Respondents : Mr.Bindran
Addl. Govt. Pleader of R1 & R2

ORDER

The petitioner seeks a legal heir certificate as Class-II heir of a certain Chinnapayan. The deceased was the brother of the petitioner's grandfather who died issueless. His petition was rejected based on the G.O.(Ms) No.478, Revenue and Disaster Management, Revenue Administration Wing, RA 3(2) Section dated 29.09.2022, and this is now under challenge.

2. The learned Additional Government Pleader takes notice for the respondents and made the following submissions :

- (a) that as against the order of the Tahsildar, an appeal is available to the Revenue Divisional Officer; and
- (b) in terms of G.O.(Ms) No.478, the petitioner cannot be considered as Class-II heir.

3 Who will be a Class-II heir will be defined by a personal law of a citizen



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and the officials in the Secretariat may not decide the same. It would be appreciable if the G.O., is made in conformity with the personal law of the citizens rather than the Executive creating parallel class of heirs of their choice.

4. This Court directs the first respondent to address this issue to make the G.O., in conformity with the personal law, for where it is in deviation, it not only causes inconvenience to the citizens, but also brings unnecessary litigations to the Court. Turning to the petitioner's case, he is required to approach the RDO with an appeal.

5. The writ petition is disposed of. No costs.

11.07.2023

Index : Yes / No

Speaking order / Non-speaking order
ds



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N.SESHASAYEE.J.,

ds

To:

- 1.The Additional Chief Secretary /
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Government of Tamil Nadu
Chennai.
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O/o. The Tahsildar
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