



W.P.No. 32491 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **23.01.2023**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No. 32491 of 2022

Kosalai

... Petitioner

Vs

The Revenue Tashildar,
Veppur Taluk Office,
Veppur Taluk,
Cuddalore District.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus to call for the records made in impugned application No. TN.720221030228 and Transaction Reference No. TNCIT 00000000 dated Nil passed by the respondent herein and quash the same as illegal and direct the respondent to issue legal heir certificate to the petitioner to secure the ends of justice.

For Petitioner : Mr. M. Velmurugan

For Respondents : Mr. R. Neelakandan
Additional Advocate General
Assisted by
Mr. T. Seenivasan
Special Government Pleader
for R1 & R2



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ORDER

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The writ petition had filed in the nature of certiorarified mandamus seeking the records with respect to the application No. TN.720221030228 and Transaction Reference No. TNCIT 00000000 passed by the respondent/The Revenue Tashildar, Veppur Taluk Office, Veppur Taluk, Cuddalore District and to quash the same.

2. The petitioner herein, is wife of Sekar. She had been residing along with her son and with her mother-in-law. The husband, Sekar died on 24.09.2022 at Malaysia. His legal heirs are the petitioner, the son, Tholkappiyan and the mother-in-law Periyammal.

3. The petitioner then applied for legal heirship certificate on 30.10.2022. The said legal heirship certificate had been rejected necessitating filing of the present writ petition.

4. A counter has been filed. It is pointed out by learned Additional Advocate General, R. Neelakandan, who appears on behalf of the respondent that a Full Bench of this Court in **W.P.Nos. 25247 of 2021 and batch cases dated 17.06.2022 and 12.08.2022**, had issued direction and pursuant to the directions, the Government had



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passed G.O.Ms.No. 478, Revenue & Disaster Management Department, dated 29.09.2022.

5. It is pointed out by the learned Additional Advocate General that any order rejecting the legal heir certificate is appealable in nature and in this connection, specific reference was pointed to the provisions in Rule 7(1) of the Guidelines and of Procedures for Issuance of Legal Heir Certificate, which is as follows:

" 7(1) Appeal :-

Against the order of the Tahsildar, an appeal petition can be filed to the respective Revenue Divisional Officer within a period of one year from the date of issuance/rejection of the application, as the case may be."

6. It is therefore contended that the petitioner has an alternative remedy. The petitioner is also within the time period for filing such an appeal.

7. In view of the submissions made, the petitioner is directed to file an appeal before the competent authority namely the Revenue Divisional Officer. On such appeal being filed, I am confident that the Revenue Divisional Officer would pass orders in accordance with law. If the appeal is filed, from the date of the receipt of the appeal papers,



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the Revenue Divisional Officer is directed to dispose of the appeal within a further period of eight weeks from that date.

8. Recording as above, the writ petition stands disposed of. No costs.

23.01.2023

Index: Yes/no
mrn

To
The Revenue Tashildar,
Veppur Taluk Office,
Veppur Taluk,
Cuddalore District.



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C.V.KARTHIKEYAN, J.
(mrn)

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