



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.01.2023

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 35211 of 2022

P.Asokan

... Petitioner

..Vs..

1. The District Collector
Collectorate
Coimbatore District.
2. The District Revenue Officer
Collectorate
Coimbatore District.
3. The Revenue Divisional Officer
Revenue Divisional Office (North)
Kavundampalayam
Coimbatore District.
4. The Thasildar
Coimbatore North Taluk
Coimbatore District.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the fourth respondent to issue the Class II legal heirship certificate to the Class II Legal heirs of deceased Rajammal, wife of Palaniappan in view of representation dated 30.11.2022.



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For Petitioner

:: Mr. M.Guruprasad

For Respondents

:: Mr. U.Baranitharan

Additional Government Pleader

ORDER

The Writ Petition has been filed in the nature of a Mandamus seeking a direction against the fourth respondent/ the Thasildar, Coimbatore North Taluk, Coimbatore District, to issue a legal heirship certificate recognising the Class II heirs of deceased Rajammal, wife of Palaniappan.

2. The petitioner had given a representation on 30.11.2022. Rajammal was married to Palaniappan, son of Pongali Konar. They had no issues. Palaniappan died intestate in the year 2005. Rajammal died intestate on 22.07.2017. However she left behind properties.

3. It is the contention of the petitioner that therefore, the properties would revert back to the legal heirs of her husband Palaniappan.



4. At any rate, these are issues which can be examined only by the fourth respondent/ the Thasildar, who if rules permit, can issue legal heirship certificate recognising the Class II heirs of Rajammal. The Writ Petition has been filed seeking a Mandamus in this regard.

5. Mr.U.Baranitharan, learned Additional Government Pleader had forwarded an order dated 12.01.2023 issued by the fourth respondent/ Thasildar wherein he had stated that documents had not been presented before him to indicate that the petitioner is in some remote manner, directly or indirectly entitled to be recognised as a Class II legal heir.

6. It is the contention of the learned counsel for the petitioner that the petitioner was not even summoned for an enquiry and that the order had been passed without any basis.

7. Let me not enter into a discussion on the manner in which the order was passed but consequent to the issuance of G.O.Ms.No. 478 Revenue & Disaster Management, Revenue Administration Wing, RA-3(2) Section, dated 29.09.2022, it is incumbent on the part of the fourth



respondent/ the Thasildar to make enquiry and thereafter, if there are no disputes, grant legal heirship certificate recognising Class II legal heirs as legal heirs. The said procedure had not been evidently followed as is very clear from the order dated 12.01.2023. The said order is therefore set aside.

8. Instead of holding back the Writ Petition, a direction is first issued to the petitioner to make a fresh application through online seeking recognition as Class II legal heir of Rajammal and along with the said application, let the petitioner file necessary documents to substantiate his claim. On receipt of such application, the fourth respondent/ the Thasildar may issue notice to the petitioner and also issue notice to anybody else, who should also be recognised as Class II legal heirs and after making necessary enquiries, pass a fresh order in manner known to law and in accordance with the aforesaid G.O.Ms.No. 478 Revenue & Disaster Management, Revenue Administration Wing, RA-3(2) Section, dated 29.09.2022.

9. The petitioner is directed to make online application if he is interested on or before 10.02.2023 and if he does so from the date of receipt of such online application, the fourth respondent shall dispose the same within a further period of 8 weeks.



10. Recording as above, this Writ Petition stands disposed of. No

costs.

19.01.2023

vsg

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

To

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C.V.KARTHIKEYAN, J.,



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