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W.P.No.29491 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.29491 of 2017

and

W.M.P.Nos.31794 & 31793 of 2017

P.Parvathi

...Petitioner

-Vs-

1. The Revenue Divisional Officer,
Chidambaram, Cuddalore District.

2. The Tahsildar
Chidambaram, Cuddalore District.

3. R.Rajavadivu

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, to call for the records on the file of the 2nd Respondent in Pa.Mu.(A4)/2901/2017 dated 10.10.2017 and quash the same and issue a fresh legal heir certificate in the name of the petitioner.

For Petitioner : No Appearance

For Respondents :
(for R1 & R2) : Mr.P.Sanjay Gandhi, Govt.Advocate
(for R3) : Mr.G.Pugazhenth



W.P.No.29491 of 2017

WEB COPY

ORDER

The legal heir certificate issued by the Tahsildar dated 10.10.2017 is under challenge in the present writ petition.

2.The petitioner states that she is the legal heir of her deceased son/Ramesh, son of Late V.Pandian. However, suppressing the said fact, the 3rd respondent submitted an application and obtained the impugned legal heir certificate behind the back of the petitioner and thus, the petitioner has chosen to file the present writ petition.

3.Admittedly, there is a dispute in respect of the issuance of the legal heir certificate in favour of the 3rd respondent and in this regard, the learned Government Advocate appearing on behalf of the 2nd respondent contended that the inquiry was conducted and based on the inquiry, the legal heir certificate which is impugned in the present writ petition was issued.

4.The procedure for issuing a legal heir certificate has been issued by the Government in G.O.Ms.No.478 Revenue and Disaster Management,



W.P.No.29491 of 2017

Revenue Administration Wing RA-3(2) Section, dated 29.09.2022. The said procedures was issued based on the judgement of this Court and the issuing authorities are bound to follow the said procedure in the event of any counter-claim or dispute.

5.In the present case, the petitioner also claims to be the legal heir of the deceased person i.e. one Mr.Ramesh and thus, an adjudication is necessary for the purpose of issuance of a legal heir certificate. If at all, the petitioner is aggrieved from any legal heir certificate which has been issued, then she has to prefer an appeal before the Revenue Divisional Officer, who is competent to entertain an appeal and adjudicate the issues based on the documents and evidence in original.

6.This being the factum, the petitioner is at liberty to prefer an appeal before the Revenue Divisional Officer who in turn shall conduct an inquiry based on the document and evidences, if necessary, for giving an opportunity to oral evidence and thereafter, take a decision on merits and in accordance with the law. In the event of filing any such application by the petitioner with reference to the delay, the Revenue Divisional Officer shall conduct an inquiry and pass appropriate orders.



W.P.No.29491 of 2017

WEB COPY 7. It is brought to the notice of this Court by the learned counsel appearing on behalf of the 3rd respondent that the petitioner died. If so, the legal heirs of the petitioner are at liberty to pursue the remedy.

8. Accordingly, the writ petition stands **disposed of**. No costs. Consequently, the connected miscellaneous petitions are closed.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

21.03.2023

To

1. The Revenue Divisional Officer,
Chidambaram, Cuddalore District.
2. The Tahsildar
Chidambaram, Cuddalore District.



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W.P.No.29491 of 2017

S.M.SUBRAMANIAM. J.,

(sha)

W.P.No.29491 of 2017

21.03.2023