



W.P.(MD)No.15592 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.10.2023

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.(MD)No.15592 of 2020

and

W.M.P.(MD)Nos.13091 and 13092 of 2020

G.Usha

.. Petitioner

Versus

- 1.The State of Tamil Nadu
Rep by District Collector,
Thoothukudi District, Thoothukudi.
- 2.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
- 3.The Inspector of Police (Circle),
Alwar Thirunagari Police Station,
Thoothukudi District.
- 4.The Sub-Inspector of Police,
Kurumbur Police Station,
Thoothukudi District.
- 5.Dhanapriya, D/o.Not Known,
Revenue Divisional Officer,
Tiruchendur,
Thoothukudi District.
- 6.The Tahsildar,
Tiruchendur Taluk,
Thoothukudi District.



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7.Pandi Asari, W/o.Late.Gothandaraman

8.Baskar, S/o.Late.Gothandaraman

9.Vijayashankar, S/o.Late.Gothandaraman

10.Prabhakaran, S/o.Late.Gothandaraman

11.Sivakumar, S/o.Late.Gothandaraman

12.Yogaraj, S/o.Late.Gothandaraman

13.Nithyanantham, S/o.Late.Gothandaraman

14.Nisha, D/o.Late.Gothandaraman

15.Suresh, S/o.Late.Gothandaraman

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st and 2nd respondents to take appropriate action against the respondents 5 and 6 for not following the procedure before issuing the legal heirship certificate in proceedings No.Pa.Mu.No.A4/10687/2017 dated 02.03.2019 on the basis of the petitioner's representation dated 06.10.2020.

For Petitioner : Mr.P.M.Vishnuvarthanan

For R1 and R6 : Mr.K.S.Selvaganesan
Additional Government Pleader

For R2 to R4 : Mr.R.Sivakumar
Government Advocate (Criminal side)

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents 1 and 2 to initiate action against the respondents 5 and 6 for not following proper procedure before issuing the Legal Heirship

Certificate in favour of the respondents 7 to 15.



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2. Heard Mr.P.M.Vishnuvarthanan, learned counsel for the petitioner, Mr.K.S.Selvaganesan, learned Additional Government Pleader for the respondents 1 and 6 and Mr.R.Sivakumar, learned Government Advocate (Criminal side) for the respondents 2 to 4.

3. The case of the petitioner is that the seventh respondent namely, Pandi Arasi was married to late Gothandaraman and through the marriage, there were nine children. The father of the petitioner owned several properties, both movable and immovable. He died on 21.03.2017. The grievance of the petitioner is that the respondents 7 to 15 managed to get a Legal Heirship Certificate from the sixth respondent, by suppressing the name of the petitioner. Therefore, the petitioner gave a criminal complaint and pursuant to the orders passed by the learned Judicial Magistrate, Srivaikundam, under Section 156(3) Cr.P.C., an F.I.R. came to be registered in Crime No.114 of 2019 against the respondents 7 to 15 and others for the offences under Sections 196, 198, 120-B, 405, 420 and 109 I.P.C. The petitioner also wanted action to be initiated against the respondents 5 and 6, for having given the Legal Heirship Certificate without making any proper enquiry. Since the same was not acted upon, the present Writ Petition has been filed before this Court.

4. In the considered view of this Court, it will suffice if a direction is given to the fifth respondent to consider the objections given against the Legal



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Heirship Certificate, that was issued through the proceedings, dated 02.03.2019. If ultimately, the Legal Heirship Certificate has been granted without adding the name of the petitioner, the same can be set right by passing appropriate orders. This will sufficiently take care of the grievance expressed by the petitioner.

5. In view of the above, there shall be a direction to the petitioner to submit a fresh application before the Revenue Divisional Officer, Tiruchendur, seeking for cancellation of the Legal Heirship Certificate issued through the proceedings, dated 02.03.2019, by the Tahsildar, Tiruchendur Taluk. On receipt of the same, the Revenue Divisional Officer, shall conduct an enquiry after issuing notice to all the interested parties and the final order shall be passed within a period of six weeks from the date of receipt of the representation from the petitioner. While making the representation, a copy of this order shall also be annexed along with the representation.

6. This Writ Petition is disposed of in the above terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes/No
Index : Yes/No
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