



W.P.(MD)No.19959 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.19959 of 2023

P.Kamala Devi

... Petitioner

versus

1. The District Collector,
Thoothukudi District,
Thoothukudi.

2. The Revenue Divisional Officer,
Kovilpatti Revenue Division,
Kovilpatti,
Thoothukudi District.

3. The Tahsildar,
Kovilpatti Taluk,
Thoothukudi District.

4. Vimala Devi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in O.Mu.Aa.6/6448/2003 dated 23.06.2023 on the file of the 2nd respondent and quash the same



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as illegal and consequently, direct the 2nd respondent to cancel the legal heirship certificate issued by the 3rd respondent in Pa.Mu.Aa. 1/2397/2015 dated 13.09.2015.

For Petitioner : Mr.M.Prabu

For R1 to R3 : Ms.D.Farjana Ghoushia,
Special Government Pleader

ORDER

This writ petition is filed as against the order of the second respondent dated 23.06.2023 rejecting the petitioner's request for cancellation of the legal heir certificate dated 13.09.2015.

2. The learned counsel appearing for the petitioner submits that the petitioner and her sisters, namely, Rajarajeswari, Pandeewari and the 4th respondent are legal heirs of her father Perumal @ Muralidharan and mother Kasthuri Bhai. Her mother Kasthuri Bhai left the matrimonial home and is living with another person without any marriage. Thereafter, the petitioner's father Perumal @ Muralidharan died on 10.03.2011. The death was also registered in the Death



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Certificate on 11.04.2016. While so, the 4th respondent, brother of the petitioner, has approached the 3rd respondent seeking for issuance of a legal heir certificate stating that he is the only legal heir of Perumal @ Muralidharan. The 3rd respondent, without conducting any enquiry and based on the application of the 4th respondent, has issued a legal heir certificate in favour of the 4th respondent alone, by his proceedings in Pa.Mu.Aa.1/2397/2015 dated 13.09.2015. On knowing about this, the petitioner along with her sisters, namely, Rajarajeswari, Pandeewari, have filed a suit before the District Munsif Court, Kovilpatti in O.S.No.64 of 2017 and the same was allowed in their favour by Judgment and Decree dated 08.12.2022. Based on the said decree, the 3rd respondent has issued a fresh legal heir certificate dated 24.05.2023, by incorporating the name of the petitioner, her sisters and also the name of 4th respondent. In view of the subsequent development, the petitioner has approached the second respondent to cancel the earlier legal heir certificate dated 13.09.2015 issued in favour of the 4th respondent alone. However, the second respondent, by



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his proceedings O.Mu.Aa.6/6448/2003 dated 23.06.2023, rejected the request of the petitioner. Challenging the same, the present writ petition has been filed.

3. This Court considered the submission of the learned counsel for the petitioner and also perused the materials available on record.

4. The petitioner's request is to cancel the earlier legal heir certificate dated 13.09.2015, which was issued in favour of the 4th respondent alone. Admittedly, the petitioner has approached the Civil Court and based on the decree passed by the District Munsif Court, Kovilpatti in O.S.No.64 of 2017 dated 08.12.2022, the 3rd respondent has also issued another legal heir certificate on 24.05.2023 by incorporating the names of the petitioner, her sisters and also the name of the 4th respondent. While so, the earlier legal heir certificate which was issued in favour of the 4th respondent alone in Pa.Mu.Aa. 1/2397/2015 dated 13.09.2015, ought to have been cancelled by the



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concerned authority.

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5. Accordingly, this writ petition is allowed with a direction to the second respondent/the Revenue Divisional Officer, Kovilpatti, to verify the decree passed by the District Munsif Court, Kovilpatti in O.S.No.64 of 2017 dated 08.12.2022 and the subsequent legal heir certificate dated 24.05.2023 and thereafter, cancel the earlier legal heir certificate dated 13.09.20215, which has been wrongly issued by the 3rd respondent in favour of the 4th respondent alone. No costs.

17.08.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

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Thoothukudi.
2. The Revenue Divisional Officer,
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B.PUGALENDHI, J.

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3. The Tahsildar,
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