



W.P(MD)No.28278 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:13.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.28278 of 2022

D.Hamsa Meyappan

... Petitioner

Vs

1.The Revenue Divisional Officer,
Devakottai, Sivagangai District.

2. Valliammai

3. KM.Alagappan @ Ganesan

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent's impugned order in Pa.Mu.A1/5639/2021, dated 07.10.2022, quash the same and consequently direct the 1st respondent to conduct the fresh enquiry and pass orders regarding petitioner's subject property.

For Petitioner

:Mr.G.Hariharan

For R1

:Mr.J.Ashok

Additional Government Pleader



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ORDER

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The Writ Petition has been filed in the nature of certiorarified mandamus, seeking a direction to call for the records of the first respondent, ordered in Pa.Mu.A1/5639/2021, dated 07.10.2022 and set aside the same.

2.The petitioner is the daughter-in-law of Kumarappan, who died on 16.07.2021. Her husband Meyappan, died on 23.10.2011, Kumarappan left behind two sons and one daughter viz., Alagappan, Meyappan and Valliyammal, as his legal heirs. It is stated that in the Town Survey Land Register, after the death of Kumarappan, the first respondent had included only the name of Alagappan and Valliyammal and had omitted the name of her husband, the petitioner and other legal heirs. When the petitioner made an application to the first respondent to include their names, the first respondent had directed her to file a civil suit. That order is to be interfered with.

3.Primarily, daughter-in-law, wife of a pre-deceased son must be recognised as Class-I legal heir and the revenue records should reflect her name. She cannot go before a Civil Court for this purpose, particularly, when names of the other son and daughter were already included. Hence, the



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impugned order is set aside and the matter is remitted back for fresh consideration.

4.The first respondent is directed to issue notice to the petitioner and also to the second and third respondents, re-examine the entire facts and thereafter, pass necessary orders, in accordance with law, within a period of six weeks, from the date of receipt of copy of this order. Though notice had been served on the respondents 2 and 3 and their names are printed in the cause-list, they have chosen not to appear before the Court.

5.With the above directions, this Writ Petition stands disposed of.

No costs.

13.03.2023

NCS :Yes/No
Index :Yes/No
Internet:Yes/No

PNM

Note : **Registry shall return back the original impugned order, dated 07.10.2022 to the petitioner by substituting a copy, truly attested by the learned counsel for the petitioner.**



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C.V.KARTHIKEYAN,J.

PNM

To

The Revenue Divisional Officer,
Devakottai, Sivagangai District.

ORDERIN
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13.03.2023