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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04-04-2024

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

WP No.2518 of 2024

P.Thiyagarajan

.. Petitioner

-VS-

1.The Revenue Divisional Officer,
Namakkal Revenue Division,
Namakkal District.

2.The Tahsildar,
Senthamangalam Taluk,
Namakkal District.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to impugned order bearing O.Mu.No.1922/2023/A3 dated 24.04.2023, issued by the first respondent and quash the same as unconstitutional, illegal and in gross violataion of Principles of Natural



Justice with consequential direction directing the first respondent to hear the petitioner afresh to include his name in the legal heir certificate dated 18.05.2021 pertaining to his son Kumararaj as per G.O.(Ms.) N.478, dated 29.09.2022 issued by the Revenue and Disaster Management Department.

For Petitioner : Mr.R.Vivek

For Respondents : Mr.U.Baranidharan,
Additional Government Pleader.

ORDER

The order rejecting the claim of the writ petitioner to include his name in the legal heirship certificate of his deceased son, is under challenge in the present writ petition.

2. The order impugned was issued merely based on the ground of limitation. It is stated in the impugned order that the period of one year lapsed. Therefore, the application submitted by the petitioner is not entertainable.

3. The learned counsel for the petitioner states that the application to issue the legal heirship certificate of his deceased son, was



made and the petitioner's name was not included. Therefore, the petitioner submitted an application to include his name in the legal heirship certificate of his deceased son.

4. Inclusion of name in the legal heirship certificate, cannot be rejected on such technical grounds unless the legal heirship certificate has got civil consequences. Therefore, the Authorities stated that the applications are to be considered on merits and in accordance with law.

5. Contrarily, in the present case, the application was rejected merely on the ground of delay and therefore, this Court is inclined to consider the same. The claim of the petitioner is to be considered with reference to Government Order issued in G.O.Ms.No.478, Revenue and Disaster Management, Revenue Administration Wing, RA-3(2) Section, dated 29.09.2022 and the subsequent Government Order issued in G.O.Ms.No.110, Revenue and Disaster Management, Revenue Administration Wing, RA-3(2) Section, dated 13.03.2024.



6. In view of the facts and circumstances, the impugned order passed by the first respondent bearing O.Mu.No.1922/2023/A3 dated 24.04.2023, is quashed and the respondents are directed to consider the application submitted by the petitioner for inclusion of his name in the legal heirship certificate of his deceased son, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above directions, the present writ petition stands allowed. However, there shall be no order as to costs.

04-04-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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To

1. The Revenue Divisional Officer,
Namakkal Revenue Division,
Namakkal District.

2. The Tahsildar,
Senthamangalam Taluk,
Namakkal District.

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S.M.SUBRAMANIAM, J.

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