



WEB COPY

W.P.No.7080 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2024

CORAM :

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P.No.7080 of 2024

and

W.M.P.Nos. 7910 & 7911 of 2024

- 1.Mr.Balachandran R.
- 2.Mrs.Priyadarshini R.
- 3.Mrs.Geetha R.

.. Petitioners

VS

- 1.The Revenue Divisional Officer,
South Chennai Division, Guindy,
Chennai – 600 032.
- 2.The Tahsildar,
Guindy Branch,
No.69/40, Anna Salai,
Little Mount, Guindy,
Chennai – 600 032.
- 3.Kudiyarasi R
- 4.Mahibalan R.
- 5.The District Revenue Officer,
Chennai.

*(R5 suo-moto impleaded vide
this order dated 25.06.2024)*

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records contained in Order dated 23.11.2023 Na.Ka.No.A3/3859/2023 issued by the 1st respondent to the petitioners and to quash the same as arbitrary, illegal and unjust, and to consequently direct the 1st respondent to include the names of Mrs.Geetha R., Mrs.Priyadarshini R., and Mr.Balachandran R. as the legal heirs of Late Mr.Ramamurthi R in the legal heir certificate bearing No. TN-7202011041279 dated 27.11.2020.

For Petitioner : Ms.Ashwini Vaidialingam

For Respondents : Mr.M.R.Gokul Krishnan(R1 & R2)
Additional Government Pleader
Ms.R.Abirami (R3 & R4)

ORDER

The petitioners challenge an order in Na.Ka.No.A3/3859/2023 dated 23.11.2023 passed by the Revenue Divisional Officer, South Chennai Division, Chennai/R1 on the ground that it ought to have included their names as the legal heirs of late Mr.Ramamurthi.R in legal heir certificate bearing No. TN-7202011041279 dated 27.11.2020.

2. Heard Ms.Ashwini Vaidialingam, learned counsel for the petitioners, Mr.M.R.Gokul Krishnan, learned Additional Government Pleader for the official respondents/R1 and R2 and Ms.R.Abirami, learned counsel for the private respondents/R3 and R4.



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3. The private respondents are yet to file their counters. Be that as it may, the averments contained in the writ affidavit indicate the presence of several factual matters that would have to be addressed and clarifications obtained.

4. In such circumstances, rather than entertaining the challenge by way of the present writ petition, I would relegate the petitioners to alternate and revisional remedy provided under clause (7) to Annexure to G.O.Ms.No.478, Revenue & Disaster Management, Revenue Administration Wing, RA-3(2) Section dated 29.09.2022.

5. Clause (7) of Annexure to the above G.O., states that an appeal may be filed within a period of one year from date of the offending order, either rejecting or allowing the application for legal heir ship certificate before the concerned Revenue Divisional Officer and a further revision is provided under clause 7(2) before the District Revenue Officer (DRO). In the present case, the impugned order has been passed by the Revenue Divisional Officer and the DRO has not been arrayed as an party.

6. In such circumstances, the DRO, Chennai is impleaded suo-moto as R5 and Mr.M.R.Gokul Krishnan, learned Additional Government Pleader accepts notice for the newly impleaded R5 as well.

7. In light of the aforesaid order and since the petitioner has been



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relegated to appellate remedy, this writ petition is closed granting such liberty. No costs. Original order to be returned to the petitioner.

25.06.2024

Index:Yes/No

Neutral Citation:Yes

Speaking Order:Yes

mpl

***Note:(i) Registry is directed to return the original order to the petitioner under due acknowledgment.
(ii) Registry is directed to carry out the necessary amendments in the cause-title.***

To

1.The Revenue Divisional Officer,
South Chennai Division, Guindy,
Chennai – 600 032.

2.The Tahsildar,
Guindy Branch,
No.69/40, Anna Salai,
Little Mount, Guindy,
Chennai – 600 032.

3.The District Revenue Officer,
Chennai.



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DR. ANITA SUMANTH,J.

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