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W.P.No.9432 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No. 9432 of 2021

D.Azhagesan

.... Petitioner

Vs

1. The Revenue Divisional Officer,
Kanchipuram District.

2. The Tahsildar,
Sriperumbudur,
Kanchipuram District.

3. M.Krishnan

4. Muthammal

.... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for records relating to the proceedings of the first respondent issued in Mu.Mu.1126/2016/A5, dated 12.09.2018 and quash the same. Consequently, direct the 1st and 2nd respondents to issue legal heir certificate of Murugan, son of Dharman as per the petition made by the petitioner herein dated 02.05.2016.



WEB COPY



W.P.No.9432 of 2021

For Petitioner : Mr.R.Bharath Kumar
For R1 & R2 : Mr.S.Arumugam
Government Advocate
For R3 & R4 : No appearance

ORDER

This Writ Petition has been filed challenging the order passed by the first respondent, thereby rejected the appeal filed by the petitioner as against the issuance of legal heirship certificate to the third and fourth respondents herein on the demise of one Murugan.

2. The petitioner claims to be grandson of one Murugan. The said Murugan got married to one Chellammal, as his first wife and gave birth to one son and one daughter, viz., petitioner's mother. Thereafter the petitioner's grandfather married the fourth respondent. The petitioner's mother pre-deceased his grandfather's demise on 30.12.1995. On the demise of the said Murugan, the third and fourth respondents were issued legal heirship certificate. In the legal heirship certificate, the petitioner's mother name was left out and legal heirship certificate was issued only in favour of the third and fourth respondents herein on 06.01.2005.



W.P.No.9432 of 2021

WEB COPY

3. It is seen from the records that in the year 2018, the petitioner filed an appeal challenging the legal heirship certificate dated 06.01.2005. The said request was rightly rejected by the first respondent on 12.09.2018. The said rejection order has been challenged by way of this writ petition only in the year 2021. There is huge delay in challenging the legal heirship certificate.

4. After a period of thirteen years, the petitioner filed an appeal against the issuance of legal heirship certificate in favour of the third and fourth respondents in the year 2018. That appeal was rejected on 12.09.2018. Such rejection was challenged before this Court in the year 2021, i.e., after a period of three years. Thus, there is a delay in filing the writ petition. Therefore, the writ petition lacks merits and is liable to be dismissed.

4. Accordingly, this writ petition stands dismissed. No costs.

14.06.2024

Internet : Yes
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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W.P.No.9432 of 2021

WEB COPY

To

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Kanchipuram District.

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WEB COPY



W.P.No.9432 of 2021

G.K.ILANTHIRAIYAN, J.

Lpp

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