



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10144 of 2020

and

W.M.P.No.12334 of 2020

C.Dhanam @ Dhanalakshmi

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Salem.

2.The Thasildhar,
Salem.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records with respect of the impugned order passed by the 1st respondent dated 05.06.2020 in Na.Ka.No.499/2018/A4 and quash the same consequently direct the 1st respondent to issue fresh Legal Heir Certificate of C.Perumal by including the name of the petitioner.

For Petitioner

: Mr.T.Mohan Raju
For Mr.R.Nalliyappan



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For Respondents

: Mr.P.Balathandayutham
Special Government Pleader

ORDER

The order dated 05.06.2020 issued by the Revenue Divisional Officer, Salem is sought to be quashed in the present writ petition.

2. The petitioner states that she is the daughter of one Mr.C.Perumal and Mrs.Nallai Ammal. The father of the writ petitioner contracted marriage with one Sambu Ammal as second wife and one son namely Mr.P.Balu was born from and out of wedlock between the father of the writ petitioner and his second wife. The father of the petitioner Mr.C.Perumal died on 05.03.1989. The said Mr.P.Balu, son born through the second wife submitted an application and obtained a legal heir certificate from the Revenue Authorities without furnishing the details of the petitioner. Therefore, the name of the petitioner was not found in the original legal heir certificate issued by the Revenue Authorities. The petitioner was not aware of this fact and she came to know about the erroneous legal heir certificate issued in favour of the P.Balu only after the death of the second wife of her father.



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3. Admittedly, the first legal heir certificate was issued in the year 1989. The petitioner submitted an application to cancel the original legal heir certificate and reissue the same through her representation dated 02.02.2018 after a lapse of about 19 years.

4. The learned Special Government Pleader appearing on behalf of the respondents raised an objection by stating that the Revenue Authorities cannot entertain an application filed after 19 years from the date of issuance of the original legal heir certificate. If at all the legal heir certificate had been obtained by providing wrong information by any person, the petitioner has to approach the Competent Civil Court of Law. Thus, the authorities cannot verify the correctness of the legal heirs or the certificate issued in the year 1989.

5. It is not in dispute that the father of the writ petitioner died on 05.03.1989 and his son P.Balu born through his second wife Sambu Ammal obtained legal heir certificate immediately. The petitioner was not aware of this said fact and only after the demise of the 2nd wife of her father, the



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petitioner submitted an appeal before the Revenue Divisional Officer, which was rejected. In such circumstances, the petitioner has to approach the Competent Civil Court of Law for securing appropriate relief of declaration or otherwise. The Revenue Authorities after a lapse of 19 years cannot cancel the legal heir certificate or issue fresh legal heir certificate incorporating the name of the petitioner.

6. That being the facts and circumstances, the petitioner is at liberty to approach the Competent Civil Court of Law for seeking appropriate relief either to declare the legal heir certificate issued as null and void or re-issue fresh legal heir certificate or otherwise.

7. With these liberty, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

02.01.2024

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Index : Yes
Speaking order
Neutral Citation : Yes



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To

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Office of Revenue Divisional Officer,
Salem.

2.The Thasildhar,
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S.M.SUBRAMANIAM, J.

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