



WEB COPY

W.P.No.12795 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2024

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.12795 of 2024
& WMP.No.13968 of 2024

S.Jothilakshmi

.... Petitioner

Vs

1.The State Rep by Secretary,
Revenue Department,
Fort St.George, Chennai – 600 009.

2.The Sub-Collector (Training)-cum-RDO,
Tiruvallur.

3.The Tahsildar,
Poonamallee Taluk,
Tiruvallur District.

4.K.S.Agelandeswari

5.Keerthika Selvan

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for records relating to Legal Heirship Certificate of Gunasekaran vide Ref.No.TN-7202112012786 dated 20.12.2021 on the file of third respondent issued to 4th respondent and quash the same.



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For Petitioner : Mr.J.R.K.Bhavanantham

For Respondents : Mr.R.Neelakandan
Additional Advocate General
Assisted by
Mr.U.Bharanidharan (R1 to R3)
Additional Government Pleader

ORDER

Mr.U.Bharanidharan, learned Additional Government Pleader accepts notice for R1 to R3 and Mr.R.Neelakandan, learned Additional Advocate General appears on his behalf. He is armed with instructions to enable final disposal of this Writ Petition, even at the stage of admission. In view of the order proposed to be passed in this matter, no notice is thought necessary to the private respondents, arrayed as R4 and R5, and their interests have been protected by virtue of this order.

2. The petitioner is aggrieved by order dated 20.12.2021 and seeks a Writ of Certiorari to quash the same. The entirety of the affidavit turns on the appreciation of various facts in regard to the legal heirs of Late Gunasekaran, husband of Banumathi, who is stated to be the sister of the petitioner's husband M.Siva Prakasam. The petitioner refers to three properties and lays claim on the same by way of a registered Will stated to have been executed by the said late Gunasekaran.

3. According to the petitioner, R4 and R5 have made false



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representations before the authorities and had obtained the impugned legal heirship certificate.

4. Since a decision on the veracity or otherwise of the impugned legal heirship certificate would turn on an appreciation of various facts, it is best that the petitioner approaches the appellate authority in terms of G.O.Ms.No.478, Revenue & Disaster Management, Revenue Administration Wing, RA-3(2) Section dated 29.09.2022, which provides for an appeal to the Revenue Divisional Officer (RDO)/R2 as against the order of the Tahsildar either granting or rejecting the claim of legal heirship certificate.

5. The petitioner has, in fact, made a representation before the RDO on 07.04.2022 which has been duly received by the said authority. Mr.Neelakandan would point out that an enquiry is being caused in this matter and the petitioner has been called upon to attend the enquiry at the Taluk Office, Poonamallee on 14.06.2024.

6. Hence, let representation dated 07.04.2022 be treated as an appeal under clause 7(1) of the Annexure to G.O.Ms.No.478, Revenue &

Dr.ANITA SUMANTH,J.

Disaster Management, Revenue Administration Wing, RA-3(2) Section dated 29.09.2022, due enquiry caused including by issuance of notice to



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the petitioner and private respondents arrayed in this Writ Petition and the matter decided by R2, within a period of eight (8) weeks from today, strictly in accordance with law and all applicable rules and regulations.

7. This Writ Petition is disposed as above. No costs. Connected Miscellaneous Petition is closed.

03.06.2024

Sl

Index: Yes/No

Speaking order: Yes

Neutral Citation: Yes

To

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