



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.06.2024

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.15092 of 2024

R.Kilpa

... Petitioner

Vs

The Village Administrative Officer,
Village Administrative Office-III,
No.01, Narasimma Perumal Kovil Street,
Vallur, Ponneri Taluk,
Tiruvallur – 600 120.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent herein to consider petitioner representation dated 2305.2024 and to reissue the legal heir certificate with inclusion of the petitioner's name as surviving wife of her deceased husband Mr.V.P.Raja within a stipulated time fixed by this Hon'ble Court.



WEB COPY



W.P.No.15092 of 2024

For Petitioner : Ms.R.Divya
For Respondent : Mr.R.Neelakandan
Additional Advocate General
assisted by
Mr.U.Bharanidharan
Additional Government Pleader

ORDER

Mr.U.Bharanidharan, learned Additional Government Pleader accepts notice for the respondent and is represented by Mr.R.Neelakandan, learned Additional Advocate General. They are armed with instructions to enable a final disposal of this matter, even at the stage of admission. Hence, by consent of both sides, this Writ Petition is taken up for final disposal.

2. The submissions of Ms.R.Divya, learned counsel for the petitioner are that the petitioner had been married to one V.P.Raja. The said Raja had been married to R.Amudha in the year 1981 and they had a male child, by name, Vasantha Kumar. The marriage of the petitioner to said Raja was in 1998 for the reason that his marriage to Amudha had broken down and they had been living separately since 1990 onwards.

3. The petitioner claims to have two children from wedlock, named Soniya and Nishanth. The petitioner further states that on 22.04.2023, the said Raja died and the petitioner had applied for a legal heirship certificate on 08.05.2023. That application has been rejected. The details of the rejection are



W.P.No.15092 of 2024

not available. In any event, the petitioner does not appear to have challenged that order of rejection.

4. The petitioner however claims that vide serial number TN-720230612386 dated 19.06.2023 a legal heirship certificate has been issued without inclusion of her name. Hence, the present Writ Petition seeking mandamus for consideration of her representation dated 23.05.2024 for re-issue of legal heirship certificate including her name as the surviving wife of the said V.P.Raja.

5. A perusal of legal heirship certificate dated 19.06.2023 shows that the name of R.Amudha is arrayed as wife and Vasantha Kumar R, Soniya R and Nishanth R are arrayed as sons and daughter of the deceased.

6. Mr.Neelakandan, learned Additional Advocate General would submit that the representation given before the Village Administrative Officer (VAO), arrayed as sole respondent, is misconceived as it is not the VAO an appropriate authority to consider such a prayer.

7. Mr.Neelakandan would draw attention of the Court to G.O.Ms.No.478, Revenue & Disaster Management, Revenue Administration Wing, RA-3(2) Section dated 29.09.2022 and states that the proper remedy for the petitioner will be to challenge the legal heirship certificate dated 19.06.2023 in terms of the aforesaid G.O.



W.P.No.15092 of 2024

8. G.O.Ms.No.478 dated 29.09.2022 has streamlined the procedure for issuance of legal heirship certificate and in the annexure to the said G.O, guidelines and procedures have been set out for issuance of legal heirship certificate. Clause 7(1) of the Annexure to the aforesaid G.O. provides for an appeal as against the order of the Tahsildar, to be filed before the Revenue Divisional Officer (RDO) within a period of one year from date of issuance/rejection of the application.

9. In the present case, the petitioner is aggrieved by a certificate issued on 19.06.2023 and in light of the appeal remedy provided under the aforesaid G.O., there is no question of the VAO considering the request for amendment of the legal heirship certificate or re-issue of the same.

10. In light of this discussion, this Writ Petition is found to be misconceived. The petitioner may pursue the appeal remedy provided under Clause 7(1) of the Annexure to the aforesaid G.O. before the Revenue Divisional Officer (RDO).

11. Since the expiry of one year is imminent, the petitioner is granted four (4) weeks from date of receipt of a copy this order to avail the appeal remedy. Such appeal, if filed within the time frame as aforesaid, will be disposed by the RDO in accordance with law and in line with the principles of natural justice.



W.P.No.15092 of 2024

12. This Writ Petition is dismissed with liberty as above. No costs.

WEB COPY

11.06.2024

Index : Yes / No

Speaking Order/Non-Speaking order

Neutral Citations: Yes/No

sl

To

The Village Administrative Officer,
Village Administrative Office-III,
No.01, Narasimma Perumal Kovil Street,
Vallur, Ponneri Taluk,
Tiruvallur – 600 120.



WEB COPY



W.P.No.15092 of 2024

Dr.ANITA SUMANTH,J.
SI

W.P.No.15092 of 2024

11.06.2024