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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.06.2024

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

**W.P.No.16209 of 2024**

V.J.P.Vincent Jayaraj

... Petitioner

Vs

- 1.The District Collector  
District Collector Office,  
Villupuram.
- 2.The District Revenue Officer,  
District Revenue Office,  
Collectorate Campus,  
Villupuram.
- 3.The Revenue Divisional Officer  
Revenue Division office  
Villupuram
- 4.The Thasildar  
Taluk Office,  
Vaanur Taluk  
Villupuram.
- 5.The Village Administration Officer,  
Iumbai Village,  
Vaanur Taluk,  
Villupuram.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 4th Respondent to consider the petitioner's Representation dated 20.04.2024 and to issue Legal Heirship



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Certificate for petitioner's brother Late.Mr.Francis Xavier S/o. Late. Vanathaiyan within a time limit stipulated by this Court.

For Petitioner : Mr.I.Romeo Roy Alfred

For Respondents : Mr.R.Neelakandan, Additional Advocate General  
Assisted by  
Mr.U.Baranidharan, (for the respondents)  
Additional Government Pleader

Ms.B.Louis Sharmila, (for the Intervenor)  
(No vakalath filed)

### **ORDER**

Mr.U.Baranidharan, learned Additional Government Pleader accepts notice for the respondents and is represented by Mr.R.Neelakandan, learned Additional Advocate General. They are armed with instructions to enable a final disposal of this Writ Petition, even at the stage of admission.

2. The petitioner is one V.J.P.Vincent Jayaraj. He claims to be the brother of one Francis Xavier, who had passed away on 04.02.2024. The writ affidavit discloses that the said Francis Xavier had married Mary Celine Rani on 02.01.1989. The petitioner goes on to state that the marriage had not been successful and that the couple had been separated till the time of demise of Francis Xavier. It is also his case that the couple, i.e., Francis Xavier and Mary Celine Rani did not have issues.



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3. At this juncture, one Ms.B.Louis Sharmila, learned counsel intervenes, purporting to represent Mary Celine Rani. She categorically disputes the projection of the facts per the petitioner. According to her, the couple had not been separated and had been together till the demise of Francis Xavier on 04.02.2024.

4. The prayer of the petitioner is for a mandamus seeking issuance of a legal heirship certificate for Francis Xavier and consideration of his representation dated 20.04.2024 by R4, Tahsildar, Villupuram, where he seeks the same prayer as reiterated in this Writ Petition.

5. The prayer of the petitioner is premised on the position that the petitioner is a legal heir of Francis Xavier and that he had taken care of his brother till his death.

6. It is clear that there are seriously disputed facts involved in this matter. That apart, the legal position with regard to a challenge to legal heirship is governed by G.O.Ms.No.478, Revenue & Disaster Management, Revenue Administration Wing, RA-3(2) Section, dated 29.09.2022. Clause 7 of Annexure to the said G.O. provides for an appeal to be filed before the concerned Revenue Divisional Officer within a period of one year from date of issuance/rejection of the application for legal heirship certificate.



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7. Hence, it is appropriate that the petitioner challenges legal heir certificate bearing No.TN-720240404831 dated 25.04.2024 before the Revenue Divisional Officer (RDO), arrayed as R3 in this Writ Petition.

8. Mr.Baranidharan, learned Additional Government Pleader would submit that the legal heirship certificate dated 25.04.2024 has been forwarded to the petitioner over Whatsapp and a copy obtained therefrom would suffice for the purpose of filing an appeal.

9. The representation of the petitioner, in such circumstances, loses all force and with the above observations, this Writ Petition is closed. Needless to say, the RDO, while disposing the appeal, if any filed by the petitioner, shall hear the beneficiary under legal heir certificate dated 25.04.2024 and other siblings of Late Francis Xavier as well, by issuing notice to them. No costs.

21.06.2024

SI  
Index : Yes / No  
Speaking Order  
Neutral Citation : Yes

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**Dr.ANITA SUMANTH,J.**

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