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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.06.2024

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.15914 of 2024

M.D.Anand

... Petitioner

Vs

1.The District Collector,
O/o. Chennai District Collectorate,
Rajaji Salai, Chennai-600 001.

2.The Revenue Divisional Officer,
O/o. North Madras Division,
Chennai.

3.The Tahsildar,
O/o.Perambur Tahsildar,
Perambur, Chennai-600 011.

4.Padmavathy

.... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to dispose the petitioner representation dated 29.04.2024 and consequently cancel the legal heir certificate issued in favour of 4th respondent in Legal Heir Certificate No.TN-72020 11091721 dated 18.01.2021 by the 3rd respondent.

For Petitioner : Mr.D.Bharathy

For Respondents : Mr.R.Neelakandan
Additional Advocate General
assisted by Mr.U.Baranidharan
Additional Government Pleader - R1 to R3



ORDER

Mr.U.Baranidharan, learned Additional Government Pleader accepts notice for R1 to R3 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. No notice is thought necessary to the private party, arrayed as R4, at this juncture in light of the order proposed to be passed taking into account her interests as well.

2. The petitioner is aggrieved by the issuance of legal heirship certificate in favour of the 4th respondent in certificate No.TN-7202011091721 dated 18.01.2021 and seeks cancellation of the same.

3. The petitioner's case is that he was born out of wedlock to one Dhanapal and Susila. His father and mother had passed away in August, 1984 and September, 2020 respectively. In paragraphs 3 to 8 of the writ affidavit, there are various factual averments in regard to how he claims legal heirship with said Dhanapal and how he claims to be his legal heir.

4. I see no reason to advert to these factual assertions in this Writ Petition for the reason that upon coming to know of the issuance of legal heirship certificate dated 18.01.2021 by R3/Tahsildar, Perambur, the petitioner has made a representation before the District Collector, Chennai/R1 on 29.04.2024 seeking cancelation of that legal heirship certificate. R1 has also forwarded the



5. The process for consideration of petitioner's representation thus is under way. However, the proper procedure for a person aggrieved by issuance of a legal heirship certificate is to file an appeal challenging that legal heirship certificate before the Revenue Divisional Officer.

6. This procedure has been set out under Annexure to G.O.Ms.No.478, Revenue & Disaster Management, Revenue Administration Wing, RA-3(2) Section, dated 29.09.2022 in Clause 7, which 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.

7. This Court is thus inclined to direct that representation dated 29.04.2024 be treated as an appeal, particularly seeing as the same is pending consideration before the Revenue Divisional Officer, who is the appellate authority as per annexure to G.O.Ms.No.478 dated 29.09.2022.

8. The only hurdle is that such an appeal ought to have been filed within a period of one year from date of issuance of the offending legal heirship certificate. In the present case, the certificate is dated 18.01.2021, whereas the representation has been filed on 29.04.2024 with a delay of more than two years.

9. There is nothing in the writ affidavit to explain why the representation has been made after a period of three years from date of issuance of the offending legal heirship certificate.



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10. Thus the petitioner is permitted to make an application before the Revenue Divisional Officer/R2 seeking condonation of the period of delay within a period of two (2) weeks from today. Upon receipt of such application, R2 shall consider the same in accordance with law and on the strength of the averments contained therein prior to taking the representation/appeal dated 29.04.2024 for disposal on merits.

11. The entire exercise of disposing the delay condonation application as well as the appeal shall be completed, after hearing the petitioner, R4, all interested parties and any others deemed necessary for a proper adjudication of appeal dated 29.04.2024, within a period of twelve (12) weeks from date of receipt of application for condonation.

12. To be noted, if no application is filed by the petitioner seeking condonation of delay within the time stipulated aforesaid, the appeal is deemed to have lapsed.

13. This Writ Petition is disposed in the aforesaid terms. No costs.

20.06.2024

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Index : Yes / No

Speaking Order: Yes

Neutral Citation: Yes



W.P.No. 15914



To

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Dr.ANITA SUMANTH,J.

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