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W.P.No.18080 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.18080 of 2021

K.Devaraj

... Petitioner

-Vs-

1.The Revenue Divisional Officer,
Erode District, Erode.

2.The Tahsildar,
Erode District, Erode.

3.Padmini

4.Eswaran

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings No.O.Mu.3192/2020/Aa3 dated 03.11.2020 and quash the same and consequently direct the 2nd respondent to issue Legal Heir Certificate for Lakshmiammal, W/o.Naatrayan by including the petitioner's mother name Kamala @ Kamalam.

For Petitioner : Mr.C.Prakasam

For R1 & R2 : Mr.S.J.Mohammed Sathik
Government Advocate



W.P.No.18080 of 2021

ORDER

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This Writ Petition has been filed challenging the order passed by the first respondent dated 03.11.2020, thereby dismissed the petition filed by the petitioner for cancellation of legal heirship certificate and also for cancellation of the succession certificate issued in favour of the third and fourth respondents herein.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the first and second respondents and perused the materials available on record.

3. The petitioner's grandfather, viz., Naatrayan, had three daughters, viz., Subbulakshmi and Kamala @ Kamalam and Indirani. He expired in the year 1994. However, his grandmother suppressed the petitioner's mother and she obtained the legal heirship certificate in the name of Lakshmiammal, Subbulakshmi and Indirani. Therefore, the petitioner filed an application to cancel the legal heirship certificate issued by the second respondent before the first respondent. Further, it



W.P.No.18080 of 2021

WEB COPY

is revealed that his grandfather, while he was alive, arranged to purchase the property in the name of his wife Lakshmiammal. Now the third and fourth respondents are using the said legal heirship certificate and taking steps to alienate the property standing in the name of the petitioner's grandmother.

4. Admittedly, the petitioner made an application to cancel the legal heirship certificate after a period of 26 years from the date of issuance of the legal heirship certificate. Now, as per the Government order, the first respondent is not the authority to cancel the legal heirship certificate and only the District Collector is an appropriate authority, power to revision being foisted on the District Collector, as per G.O.Ms.No.478, dated 29.09.2022. That apart, no records are available to verify whether the petitioner's mother was born to the said Naatrayan. Further, no explanation was given by the petitioner for challenging the legal heirship certificate after a period of 26 years. More over, his mother did not even file any application to cancel the legal heirship certificate issued in favour of the petitioner's grandmother and her sister alone. Therefore, the application submitted by the petitioner was rightly



W.P.No.18080 of 2021

rejected by the first respondent and this Court finds no infirmity or illegality in the order passed by the first respondent. Hence, this writ petition is devoid of merits and is liable to be dismissed.

5. Accordingly, this Writ Petition stands dismissed. No costs.

18.04.2024

Internet : Yes
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
Lpp

To

1.The Revenue Divisional Officer,
Erode District, Erode.

2.The Tahsildar,
Erode District, Erode.



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W.P.No.18080 of 2021

G.K.ILANTHIRAIYAN, J.

Lpp

W.P.No.18080 of 2021

18.04.2024