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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.07.2024

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.21012 of 2024

A.R.Narayanan

.... Petitioner

Vs

1.The Tahsildar,
Madhavaram Taluk,
Madhavaram, Chennai.

2.Vishnupriya

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 08.06.2024 and consequently direct the first respondent herein to issue notice to the concerned parties, to conduct enquiry and pass necessary orders including cancellation of the fake legal heir certificate issued on 08.02.2024.

For Petitioner

: Mr.S.N.Kirubanandam

For Respondent

: Mr.R.Neelakandan (for R1)
Additional Advocate General
assisted by
Mr.U.Baranidharan
Additional Government Pleader



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ORDER

Mr.U.Baranidharan, learned Additional Government Pleader accepts notice for R1, being the Tahsildar, Madhavaram Taluk 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 R2 as her interests are duly taken note of and addressed by virtue of this order.

2. The petitioner has challenged a legal heirship certificate issued on 08.02.2024 pursuant to the demise of A.R.Sivaraman, S/o Ramachandran on 08.11.2023. The grievance of the petitioner is that he is the brother of the said A.R.Sivaraman, whose wife had pre-deceased the husband without leaving any legal heir or issues.

3. The impugned legal heirship certificate contains the names of Vishnupriya S, as daughter of the deceased, Vijaya, Ramachandran and Gomathi, being wife, father and mother of the deceased, who have pre-deceased him. According to the petitioner, the said Vishnupriya, arrayed as R2, is the daughter of one Thiagarajan and Lalitha, who are stated to be unrelated to the petitioner or deceased A.R.Sivaraman.



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4. According to the petitioner, the birth certificate of R2 issued by the Greater Chennai Corporation would confirm the names of the biological parents. The petitioner also states that since R2 and her family were from a poor economic strata, the deceased had extended help to R2 by bringing her up and educating her. He had also performed the marriage of R2 with one K.Sriram as per Hindu rites and customs and that the petitioner and his family members had spent significant amounts by way of gold, silver and household articles for the marriage. However, R2 has not been legally adopted by the deceased or by his parents and hence R2 cannot claim any legal heirship either as sister or daughter with the deceased. According to him, the impugned legal heirship certificate has been issued without hearing him and behind his back.

5. Mr.Neelakandan circulates G.O.Ms.No.478 Revenue & Disaster Management, Revenue Administration Wing, RA-3(2) Section dated 29.09.2022. The G.O. is comprehensive dealing with various aspects of issuance or cancellation of legal heirship certificate. Clause 10 of the Annexure to the aforesaid G.O.states that where it comes to the notice of the issuing authority that the legal heir certificate has been obtained by furnishing false information/suppression of material facts, the same shall be liable to be cancelled by the issuing authority.



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6. In light of the factual narration now put forth by the petitioner, the impugned legal heirship certificate certainly has to be re-visited by R1. For this purpose, R1 shall issue notice to the petitioner, R2 and any other interested parties, hear them, consider relevant documents and based on his examination pass orders, either confirming the impugned legal heirship certificate dated 08.02.2024 or cancel the same and issue fresh certificate, in accordance with law and all extant Rules and Regulations.

7. Let this exercise be completed within a period of three (3) months from today, i.e., on or before 25.10.2024, during which period, the operation of the impugned legal heirship certificate dated 08.02.2024 is stayed, to be revived, subject to the decision taken by R1, or passing of orders by R1 as aforesaid, whichever is earlier.

8. The Commissioner of Revenue Administration and Disaster Management has issued Circular Lr.No.RA5(3)/17167/2022 dated 13.06.2024 providing for punitive measures to be initiated, such as prosecution as against those individuals who have sought and obtained legal heirship certificate fraudulently or suppression of material information.

9. R1 will, if he comes to the conclusion that the impugned legal heirship certificate dated 08.02.2024 has been obtained by fraudulent



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representation by R2, initiate appropriate action in terms of Circular

Lr.No.RA5(3)/17167/2022 dated 13.06.2024 as well.

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

25.07.2024

Index : Yes / No

Speaking order

Neutral citations: Yes

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To

The Tahsildar,
Madhavaram Taluk,
Madhavaram, Chennai.



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Dr.ANITA SUMANTH,J.

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