



WEB COPY



W.P.No.23070 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2024

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.23070 of 2024

L.R.Ponkarthik

... Petitioner

VS.

1. The District Collector,
Chennai District,
Singaravelan Maligai,
Rajaji Salai,
Chennai – 600 001.

2. The Revenue Divisional Officer,
Chennai Central Division,
Anna Nagar West Extension,
Chennai – 600 101.

3. The Tahsildar,
Egmore Taluk,
Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the proceedings of the 1st respondent in Se.Mu.Aa.No.U6/1472021/2023 dated 27.06.2024 and quash the same and direct the respondents 1 to 3 to issue the legal heir certificate to the petitioner for his adopted mother late Mrs.Shanthabai.



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For Petitioner : Mr.N.Baskaran

For Respondents : Mr.R.Neelakandan,AAG
Assisted by Mr.U Baranidharan, AGP

ORDER

This Writ Petition has been filed seeking to quash the proceedings of the first respondent in Se.Mu.Aa.No.U6/1472021/2023 dated 27.06.2024 and quash the same and direct the respondents 1 to 3 to issue the legal heir certificate to the petitioner for his adopted mother late Mrs.Shanthabai.

2. It is the case of the petitioner that since the biological mother of the petitioner died when the petitioner was 1.5 years old, the petitioner's biological father had given the petitioner in adoption to his own sister namely one Shanthabai and her husband namely Thirugnanam on 07.12.1972. Since the date of adoption, the petitioner was raised by his adopted parents and in order to alleviate any concerns of adoption in future, the petitioner's adopted parents were advised to register the adoption and the same was accordingly registered vide Document No.191 of 1997 dated 15.09.1997 in the office of Sub Registrar. Subsequently, the adopted parents of the petitioner also died on 18.01.2008 and 18.11.2019 respectively.



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Seeking issuance of legal heir certificate, the petitioner made an online application 18.11.2020 before the third respondent, however, the same was rejected on the ground that the petitioner was adopted only at the age of 25 years as per the aforesaid deed of adoption. As per the order dated 09.10.2022 passed by this Court, the matter was again remanded to the third respondent for fresh consideration, whileso, the petitioner submitted a representation to the third respondent on 02.11.2022, however, the same was again rejected on the ground that the adoption deed was executed only in the year 1997 and the petitioner is aged about 27 years. Challenging the same, the petitioner preferred an appeal before the second respondent and the said appeal was also rejected vide order dated 19.09.2023 by confirming the order passed by the third respondent. As against the rejection orders passed by the second and third respondents, the petitioner preferred a review application before the first respondent on 17.10.2023, however, the said application was also rejected by confirming the orders passed by the second and third respondents vide proceedings dated 27.06.2024. Challenging the impugned order dated 27.06.2024 passed by the first respondent, the present petition has been filed.



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3. Though very many grounds have been raised by the learned counsel on either side at the time of arguments, however, when this Court expressed its opinion that, the issue involved in the present case pertains to disputed questions of facts and is purely a civil dispute and the same cannot be entertained under Article 226 of the Constitution, the learned counsel for the petitioner restricted his prayer and sought permission of this Court to file appropriate Suit before the Competent Civil Court.

4. In view of the aforesaid stand taken by the learned counsel for the petitioner, this Court without expressing any opinion on the merits of the case, grants liberty to the petitioner file a civil suit before the Jurisdictional Civil Court within a period of four (4) weeks from the date of receipt of a copy of this order. Thereafter, the civil Court is directed to pass appropriate orders on merits and in accordance with law and after affording an opportunity of personal hearing to the petitioner as well as the aggrieved persons if any as expeditiously as possible.

5. With the above observation and directions, this Writ Petition is



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disposed of. No costs.

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RAP

Index : Yes/No
Speaking order : Yes/No

To:

1. The District Collector,
Kanchipuram District,
Collecotrate,
Kanchipuram – 631 501.
2. The District Revenue Officer,
Sriperumbudur,
Sriperumbudur Taluk – 602 105,
Kanchipuram District.
3. The Tahsildar,
Kundrathur Taluk,
Kundrathur – 600 069,
Kanchipuram District.

M.DHANDAPANI, J.

RAP



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