



W.P.No.24161 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2024

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.24161 of 2024

and

WMP.No.26411 of 2024

Mariya Clara Mudiyaappan

...Petitioner

Vs.

1. The District Collector,
Kallakurichi, Kallakurichi District.
2. The Revenue Divisional Officer,
Thirukoilur, Villupuram,
Villupuram District.
3. The State rep. by Inspector of Police,
Elavanasur Kottai Police Station,
Ulundurpet, Kallakurichi District.
4. Joseph
5. Arokiyadass
6. Nambikkai Mary

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st and 2nd respondent herein to consider the representation dated 13.06.2024 of the petitioner and to pass appropriate orders thereof on merits.



W.P.No.24161 of 2024

For Petitioner : Mr.M.Elumalai

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For Respondents : Mr.R.Neelakandan, AAG,
Assisted by Mr.U.Baranidharan, AGP, for R1 & 2
: Mr.S.Sugendhran, APP, for R3

ORDER

This Writ petition has been filed seeking direction to the 1st and 2nd respondent to consider the petitioner's representation dated 13.06.2024 and to pass appropriate orders thereof on merits.

2. Mr.U.Baranidharan, learned Additional Government Pleader takes notice on behalf of the 1st and 2nd respondents, Mr.S.Sugendhran, learned Additional Public Prosecutor takes notice on behalf of the 3rd respondent. In view of the consent expressed by the learned counsel on either side, this Writ Petition is taken up for final disposal at the admission stage itself.

3. Since no adverse order is being passed against the respondents 4 to 6, notice to the respondents 4 to 6 is dispensed with.

4. The case of the petitioner is that the petitioner's father



W.P.No.24161 of 2024

Late.Arokiyasamy married one Pushpa and out of their wedlock, they were blessed with two daughters and one son. Since the said Pushpa died at a young age, the petitioner's father married one Christu Mary @ Brijithammal, the mother of the petitioner and out of the wedlock, they were blessed with two daughters, including the petitioner and four sons and out of the said four sons, one John Paul died as a Bachelor and the other brother namely Seemon also died leaving behind his wife namely Anthoniammal, who subsequently married one Arokiyadas, another brother of the petitioner. While so, after the demise of their mother, the petitioner's brothers, the 4th and 5th respondents herein have obtained the death certificate of the said Christu Mary @ Brijithammal, who died on 27.05.2007, claiming that they are the only legal heirs and by mentioning the date of death of their mother as 17.08.2018 and have subsequently obtained Legal heirship certificate as well and based on the said fabricated documents, they have alienated the ancestral property which was settled in favour of the petitioner's mother by her father, in favour of the third parties, without the knowledge of the petitioner and other legal heirs. Thereby, the petitioner made a complaint before the Revenue Tahsildar and pursuant to the complaint made before the lae enforcing



W.P.No.24161 of 2024

agency, a case was also registered in Crime No.196 of 2022. The Revenue Tahsildar, after conducting enquiry, vide proceedings dated 28.04.2023, held that, the death and legal heirship certificate of the petitioner's mother, obtained by the 4th and 5th respondents are forged one and also recommended for initiating criminal case against the 4th and 5th respondents and also against the Village Administrative Officer. However, till date, no orders have been passed by the Revenue Tahsildar for cancellation of the above said forged death and legal heirship certificates. Therefore, the petitioner made a representation dated 13.06.2024 before the 1st and 2nd respondents, seeking cancellation of the above said forged documents, which evoked no response. Hence, this writ petition.

5. Though very many grounds have been raised, the learned counsel for the petitioner submitted that, it would suffice if this Court issues direction the 1st & 2nd respondents to consider the petitioner's representation dated 13.06.2024 and to consequently cancel the forged death and Legal heirship certificates of the petitioner's mother, the said Christu Mary @ Brijithammal, obtained by the 4th and 5th respondents as expeditiously as



W.P.No.24161 of 2024

possible, by considering the recommendation made by the 2nd respondent dated 28.04.2023.

6. Learned Additional Advocate General appearing on behalf of the 1st and 2nd respondents submitted that, appropriate orders will be passed on the petitioner's representation dated 13.06.2024, within the time stipulated by this Court.

7. On the above said contentions, heard learned Additional Public Prosecutor appearing on behalf of the 3rd respondent and perused the material documents placed on record.

8. In view of the aforesaid submissions, this Court, without going into the merits of the case, directs the 1st and 2nd respondents to consider the petitioner's representation dated 13.06.2024 on merits and in accordance with law and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order, on the basis of the proceedings



W.P.No.24161 of 2024

proceedings of the 2nd respondent dated 28.04.2023 and after conducting appropriate enquiry by affording an opportunity of hearing to the petitioner and other legal heirs of the said Christu Mary @ Brijithammal.

9. With the above directions, this Writ petition stands disposed of. No costs. Consequently, the connected Miscellaneous petition is closed.

22.08.2024

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Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To:

1. The District Collector,
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2. The Revenue Divisional Officer,
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Villupuram District.
3. The Inspector of Police,
Elavanasur Kottai Police Station,
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M.DHANDAPANI, J.

6/7



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W.P.No.24161 of 2024

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WMP.No.26411 of 2024

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