



W.P.No.24177 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM :

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.24177 of 2024

Mary Francis @ Blampain Lally
Rep. By her Power Agent
L.Stephen

...Petitioner

Vs.

1. The District Collector,
Collectorate, Chennai.
2. The Revenue Divisional Officer,
RDO's Office, Central Chennai Division,
Tirumangalam High Road, Chennai – 600 101.
3. The Thasildar,
Taluk Office, Egmore Taluk,
Egmore, Chennai.
4. The Revenue Inspector,
Taluk Office, Egmore Taluk,
Egmore, Chennai.
5. Rosy
6. Julie Susai
7. A.K.Rafiq

...Respondents



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Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records related to the order passed by the 2nd respondent dated 13.03.2024 vide Na.Ka.No.A4/5854/2023, quash the same, consequently direct the 2nd respondent to cancel the Legal Heirship Certificates of the petitioner's deceased Brother R.Suresh dated 28.10.1997 under Ne.Mu.E4/24718/1997 and Pa.Mu.E4/3058/2017 dated 23.05.2017.

For Petitioner : Mr.Thangavadhanabalakrishnan

For Respondents : Mr.R.Neelakandan, AAG,
Assisted by Mr.U.Baranidharan, AGP, for R1-3

ORDER

This Writ petition has been filed seeking quashment of the order of the 2nd respondent dated 13.03.2024 bearing Na.Ka.No.A4/5854/2023 and to consequently direct the 2nd respondent to cancel the Legal Heirship Certificates of the petitioner's deceased Brother R.Suresh dated 28.10.1997 under Ne.Mu.E4/24718/1997 and Pa.Mu.E4/3058/2017 dated 23.05.2017.

2. Mr.U.Baranidharan, learned Additional Government Pleader takes notice on behalf of the respondents 1 to 3. 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.



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3. Since no adverse order is being passed against the respondents 4 to 7, notice to the respondents 4 to 7 is dispensed with.

4. The case of the petitioner is that the petitioner's maternal grand father Late.I.Subramaniam owned two properties in Egmore, in which, 1/3rd share developed upon the petitioner's mother Late.Menaka Rajasekharan. After the demise of her parents and also one of his younger brother namely Raghu, the petitioner rented out the property comprised in R.S.No.505/9 measuring an extent of 547 sq.ft., in New Door No.7, Egmore Village, Perumal Reddy street, Chennai to one Stella and after marriage, the petitioner was living in France. While so, taking advantage of the petitioner's absence, the 5th and 6th respondents created bogus documents claiming themselves to be the wife and daughter of the petitioner's deceased unmarried younger brother, the said Raghu and obtained Legal Heirship Certificate and based on which, they also sold a part of the above said property measuring an extent of 721 sq.ft., to the 7th respondent. Immediately, the petitioner lodged a complaint against them before the law enforcing agency, which evoked no response. Thereby, the petitioner approached the respondents 1 to 3 seeking



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to cancel the Legal heirship certificate issued in favour of the 5th and 6th respondents and also the patta issued in favour of the 7th respondent.

However, the 2nd respondent, without considering any of the above said facts, had mechanically rejected the petitioner's representation, vide impugned order dated 13.03.2024. Aggrieved by the same, the petitioner preferred an appeal before the 1st respondent. Pending the same, as the 7th respondent is taking steps to sell the above said ancestral property of the petitioner, the petitioner has come up with this Writ petition, challenging the order of the 2nd respondent dated 13.03.2024.

5. Heard learned counsel on either side and perused the material documents placed on record.

6. Though very many grounds have been raised by the learned counsel for the petitioner at the time of arguments, however, when this Court expressed its opinion that, as against the order passed by the 2nd respondent/ the Revenue Divisional Officer, there is an effective revisional remedy available before the jurisdictional District Revenue Officer/the Revisional



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authority and without exhausting the said revisional remedy, approaching this Court by way of filing this Writ petition or filing an appeal before the District Collector, challenging the order passed by the Revenue Divisional Officer is not sustainable, the learned counsel for the petitioner restricted the prayer and sought permission of this Court, to file appropriate Revision before the jurisdictional District Revenue Officer/Revisional authority as against the order dated 13.03.2024 passed by the 2nd respondent. Learned Additional Government Pleader appearing for the official respondents have not expressed any serious objection for the limited relief sought for by the learned counsel for the petitioner.

7. In view of the aforesaid stand taken by the learned counsel for the petitioner, this Court, without interfering with the order under challenge, grants permission to the petitioner to file appropriate revision before the jurisdictional District Revenue Officer/Revisional authority within a period of two weeks from the date of receipt of a copy of this order. Upon filing of such revision, the jurisdictional District Revenue Officer shall consider the same on merits and in accordance with law and pass appropriate orders



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within a period of six weeks thereafter, after conducting appropriate enquiry by affording an opportunity of personal hearing to the petitioner, the private respondents and other aggrieved persons, if any.

8. For the reasons aforesaid, this Writ petition stands dismissed. No costs.

22.08.2024

skt

NCC : Yes/No
Index : Yes/No
Speaking Order : Yes/No

To:

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