



WEB COPY



W.P.No.26290 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM

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

W.P.No.26290 of 2024

B.Prakash

...Petitioner

Vs.

1. The District Collector,
O/o. The District Collector Office ,
Nagapattinam - 611 001.
2. The Revenue Officer,
O/o. The Revenue Divisional Office,
Vedarniam - 614 810.
3. The Tahsildar,
O/o. The Tahsildar Office,
Vedarniam - 614 810.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd respondent to issue the corrected legal heirship Certificate of Subbiah Pillai containing his daughter late Vedambalaachi as died after the death of Subbiah Pillai on petitioner's representation dated 26.07.2024.

For Petitioner : Mr.N.Pragasam

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



W.P.No.26290 of 2024

ORDER

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2. Mr.U.Baranidharan, learned Additional Government Pleader, takes notice on behalf of the respondents. 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. The case of the petitioner is that, the late Subaiyapillai, the brother of the petitioner's great grandfather passed away on 05.04.1983. Thereafter, the petitioner's father made application for issuance of Legal heir certificate of the said Subaiyapillai before the 3rd respondent. Pursuant to which, the 3rd respondent issued legal heir certificate, however, in the said certificate, the daughter's name of the deceased was mentioned as predeceased legal heir. However, it is pertinent to note that, the said Subbiah Pillai died on 05.04.1983, whereas his daughter passed away only on 30.11.2019, which is much after the death of the said Subbiah Pillai. Hence, the petitioner's father



W.P.No.26290 of 2024

filed an appeal dated 05.02.2024 before the 2nd respondent seeking correction of the above said error, which evoked no response. Subsequently, the petitioner's father passed away and pursuant to which, the petitioner made a representation dated 26.07.2024 to the 2nd respondent. However, till date, no orders have been passed on the said representation. Hence, this Writ petition.

4. Though very many grounds have been raised, learned counsel for the petitioner submitted that it would suffice if this Court issues direction to the 3rd respondent to consider the petitioner's representation dated 26.07.2024 and to consequently correct the error in the legal heirship Certificate of the said Subbiah Pillai, in respect of the daughter's name and issue fresh legal heirship certificate as expeditiously as possible, by mentioning the date of death of the deceased legal heirs.

5. Learned Additional Advocate General appearing for the respondents submitted that, appropriate orders will be passed on the petitioner's representation dated 26.07.2024 within the time stipulated by this Court.



W.P.No.26290 of 2024

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the respondents to consider the petitioner's representation dated 26.07.2024 on merits and in accordance with law and issue fresh legal heirship of Subbiah Pillai, after making necessary corrections and by mentioning the date of death of the deceased legal heirs of the said Subbiah Pillai within a period of two (2) weeks from the date of receipt of a copy of this order, if there is no legal impediment.

7. Accordingly, this Writ petition stands disposed of. No costs.

10.09.2024

skt

NCC : Yes/ No

Speaking Order : Yes/ No

Index : Yes/ No

To

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4/5



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W.P.No.26290 of 2024

M.DHANDAPANI, J.

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W.P.No.26290 of 2024

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