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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.10.2024

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P.NO.29465 of 2024

Ezhilarasi

... Petitioner

Vs.

1. The District Collector,
Kallakurichi District.

2. The Tahsildar,
Thirukovilur Taluk,
Kallakurichi District.

3. The Revenue Inspector,
Thirukovilur,
Kallakurichi District.

4. The Village Administrative Officer,
Senganankollai Village,
Kallakurichi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the proceedings issued by the second respondent by proceeding O.Mu.No.A1/1372/2024 dated 07.08.2024 and to quash the same and consequently, directing the second respondent to declare the petitioner as the only legal heir of her son sathish Late and to issue legal heir certificate accordingly, within a time frame to be fixed by this Court.

For Petitioner

: Mr.S.Nedunchezhiyan

For M/s.Sarath Chandran

For Respondents

: Mr.R.Neelakandan, AAG

for Mr.U.Bharanidharan, AGP



ORDER

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The writ petitioner seeks to quash the proceedings issued by the second respondent by proceeding O.Mu.No.A1/1372/2024 dated 07.08.2024 and consequently, directing the second respondent to declare the petitioner as the only legal heir of her son Sathish (Late) and to issue legal heir certificate by including her name.

2. It is the case of the petitioner that the petitioner's son viz., Sathish passed away on 28.12.2023. Hence, she made application for issuance of legal heir certificate and the same was rejected on the ground that the petitioners son has married one Priyadharshini and the petitioner made application to issue legal heir certificate by mentioning her name alone, which was rejected. Challenging the same, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that the impugned order states that marriage has been solemnized between Sathish and Priyadharshini. In fact, the marriage has not been performed. The Village Administrative Officer has conducted enquiry and submitted two reports dated 03.07.2024 and 03.09.2024 before the Tahsildar. In the first report, he has stated that the petitioner's son has married one Priyadharshini on 03.02.2024, whereas in the second report, the very same VAO has stated that the marriage between the said Sathish and one



Priyadharshini was fixed and the same was not performed. In view of the contrary reports filed by the VAO, the Tahsildar has not properly conducted enquiry and passed the present impugned order, which is not sustainable.

4. The learned Additional Advocate General appearing for the respondents submitted that the petitioner's son has already married the said Priyadharshini in the presence of local President. However, he fairly submitted that the legal heir certificate will be issued to the petitioner within the stipulated time as fixed by this Court in the manner known to law.

5. Heard the learned counsel for the petitioner as well as the learned Government Counsel appearing for the respondents and perused the materials available on record.

6. The facts of the case are not in dispute. Admittedly, the petitioner's son died on 28.12.2023. Thereafter, the petitioner made application for issuance of legal heir certificate. It is equally undisputed that the VAO has submitted two enquiry reports dated 30.07.2024 and 03.09.2024, but this Court is at a loss to understand as to how the VAO could submit two reports by mentioning contrary statements in respect of the very same marriage. Therefore, necessarily the matter has to be enquired by the Tahsildar in view of the contrary reports of the VAO before issuance of the legal heir



certificate.

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M. DHANDAPANI .J.

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7. In view of the above position, said confusion, this Court directs the Tahsildar to conduct enquiry afresh and issue legal heir certificate by including the eligible legal heirs of the Late Sathish within a period of four weeks from the date of receipt of a copy of this order. Further, the Tahsildar is also directed to take disciplinary action against the VAO, who has submitted two contrary reports with respect to the very same issue which is nothing but dereliction of duty.

8. With the above directions, the writ petition stands disposed of. No costs.

14.10.2024

To:

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Kallakurichi District.

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