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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

CORAM :

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

W.P.No.30546 of 2024

Jothimani

... Petitioner

Vs.

1. The District Collector,
Tiruppur District.

2. The Revenue Divisional Officer,
Tiruppur District.

3. The Tahsildar,
Avinashi Taluk,
Tiruppur District.

4. The Revenue Inspector,
Sevur, Avinashi Taluk,
Tiruppur District.

5. The Village Administrative Officer,
Vmangarasavalayapalayam Village,
Avinashi Taluk,
Tiruppur District.

6. Ramasamy
7. Ponnammal

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the second respondent to consider the petitioner's representation dated 17.08.2023 to cancel the legal heir



certificate No.TN 7201902281816 dated 25.04.2019 issued by the 3rd respondent and issuing the fresh legal heir certificate by including all the legal heirs of my late maternal grandfather Mr.Karuppan, S/o. Chinna Palani within the time period stipulated by this Court.

For Petitioners : Mr.S.Vinothkumar
For Respondents : Mr.R.Neelakandan, AAG
Mr.U.Baranidharan, AGP
RR1 to 5

ORDER

The writ petition has been filed seeking a direction to the second respondent to consider the petitioner's representation dated 17.08.2023 to cancel the legal heir certificate No.TN 7201902281816, dated 25.04.2019 issued by the 3rd respondent and issuing the fresh legal heir certificate by including all the legal heirs of my late maternal grandfather Mr.Karuppan, S/o. Chinna Palani.

2. The case of the petitioner is that the respondents 6 and 7 are trying to dispose the property which stands in the name of the maternal grandfather one Karuppan without sharing anything to all the other legal heirs by using forged legal heirs certificate obtained by them on 25.04.2019. To cancel the said LR certificate, the petitioner made an application to the 3rd respondent on



17.08.2023. Till date, no action is taken. Hence, the petitioner made application before the first respondent on 20.11.2023 and 11.12.2023 to cancel the legal heir certificate which was issued in favour of the private respondents and to issue fresh legal certificate by including all the other legal heirs of the petitioner's maternal grandfather Karuppan and the same is not considering so far. Without having no other option, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner submitted that this court may issue a direction to the respondents to consider the petitioners representation and pass appropriate orders within the stipulated time as fixed by this court.

4. The learned Additional Advocate General appearing for the respondents submitted that the legal heir certificate has been issued in the year 2019. After lapse of four years the petitioner has come forward to file an appeal before the RDO which is unsustainable. However, the said appeal is pending for enquiry. The learned counsel further submitted that the petitioner is not a Class-I legal heir and her mother is pre-deceased of his father Karuppan.



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5. Heard the learned counsel on either side and perused the materials available on record.

6. The facts of the case are not in dispute. Admittedly, the petitioner is daughter of one Mupathal, who is a daughter of one Karuppan. The said Karuppan had seven children, all the legal heirs have died except Ramasamy and Ponmani. Therefore, the authorities have rightly issued legal heir certificate to the survival legal heirs of said Karuppan. Further, the petitioner is not a class-I legal heir and also the petitioner's mother is pre-deceased to his father Karuppan. If the petitioner have any grievance with regard to the property of the said Karuppan, she may approach the competent civil Court to get appropriate remedy. Without doing so, the petitioner has filed the present writ petition is not sustainable and the same is liable to be dismissed.

7. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

17.10.2024

rli



Index : Yes / No

Speaking order / Non speaking order

Netrual Citation Case : Yes / No

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