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W.P.No.29468 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.29468 of 2024

1.Chandra
2.Chandra Vardhan
3.Kalaivani

... Petitioners

Vs.

1.The District Collector,
Salem Collector Office,
Fort Main Road,
Salem.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Subhramanya Nagar,
Suramangalam,
Salem.

3.The Thasildar,
Omalur Taluk Office,
Kamaraj Nagar, Omalur,
Tamil Nadu – 636 455.

4.R.Gnanendri
Respondents

...

Writ Petition filed under Article 226 of Constitution of India, praying
for issuance of Writ of Mandamus directing the 1st and 2nd respondents to



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consider the petitioners representation dated 01.08.2024 by directing the 3rd respondent to cancel the illegal legal heir certificate issued to the 4th respondent in TN-7202302241544 dated 03.03.2023 issued by the 3rd respondent.

For Petitioners : M/s.Padma Lakshmi

For Respondents 1 to 3 : Mr.U.Baranidharan,
Additional Government Pleader

ORDER

This writ petition has been filed by the petitioners to direct the 1st and 2nd respondents to consider the petitioners representation dated 01.08.2024 by directing the 3rd respondent to cancel the illegal legal heir certificate issued to the 4th respondent in TN-7202302241544 dated 03.03.2023.

2. The case of the petitioners is that the petitioners are the only legal heirs to the deceased Sannasi Vardhan. While being so, the fourth respondent had fraudulently applied for a legal heirship certificate with the third respondent by submitting fraudulent documents and obtained illegal legal heirship certificate vide TN-7202302241544 dated 03.03.2023 from the third respondent office. Subsequently, the fourth respondent filed a suit in O.S.No.809 of 2023 before the District Munsif Court, Salem for partition of



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property along with the fraudulent legal heirship certificate claiming that she is also one of the legal heir of petitioners deceased father Sannasi Vardhan.

The said suit is still pending for consideration. Hence, the petitioners sent representation dated 01.08.2024 to the respondents 1 to 3 to cancel the fraudulent legal heirship certificate vide No.TN-7202302241544 dated 03.03.2023 issued by the third respondent. But, till date the respondents 1 to 3 did not take any action to cancel the illegal legal heir certificate. Aggrieved over the same, the petitioner has come forward with the present writ petition.

3. Though very many grounds have been raised in this writ petition, learned counsel for the petitioners submitted that it would suffice, if this Court issues direction to the respondents 1 to 3 to consider the representation dated 01.08.2024 and pass appropriate orders on merits and in accordance with law, within a time frame to be fixed by this Court.

4. Learned Additional Government Pleader appearing for the respondents 1 to 3 has no objection for the said order being passed by this Court.



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

6. Taking into the factual aspect of the matter, this Court without going into the merits of the case, directs the respondents 1 to 3 to consider the petitioner's representation dated 01.08.2024 and pass appropriate orders on merits and in accordance with law after affording an opportunity of hearing to the petitioner as well as the fourth respondent and aggrieved persons if any, within a period of four weeks from the date of receipt of a copy of this order.

7. With the aforesaid observations and direction, this writ petition is disposed of. No costs.

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

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M.DHANDAPANI,J.

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