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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30491 of 2024

R.Ramya

... Petitioner

Vs.

1. The District Collector,
Chengalpattu, Chengalpattu District.

2. The Tahsildar,
Pallavaram, Chengalpattu,
Chengalpattu District.

3. R.Karpagam

4. R.Kavitha

5. R.Padmapriya

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 24.06.2024 by cancelling the legal heir certificate issued by the second respondent vide certificate No.TN 720230426237 dated 28.04.2023 and to issue fresh legal heir certificate by including the petitioner's name.

For Petitioner : Mr.B.A.Chandrasekar

For Respondents : Mr.R.Neelakandan, AAG
Assited by Mr.U.Bharanidharan, AGP RR1 & 2



ORDER

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The Writ Petition has been filed seeking a direction to the first respondent to consider the petitioner's representation dated 24.06.2024 by cancelling the legal heir certificate issued by the second respondent vide certificate No.TN 720230426237 dated 28.04.2023 and to issue fresh legal heir certificate by including the petitioner's name.

2. It is the case of the petitioner that the petitioner father got married to petitioner's mother as second wife. Out of their wedlock, the petitioner was born on 07.07.1992. Prior to their wedlock, the petitioner's father got married with his first wife R.Karpagam and out of their wedlock three children born to them. On 26.11.2022, the petitioner's father died. After his demise, the respondent 3 to 5, who are the first wife children, made application and obtained legal heir certificate from the second respondent. After coming to know this, the petitioner sent a legal notice to the respondents 1 & 2 to cancel the legal heir certificate issued by them and also made a representation on 24.06.2024 and the same was not considered. Hence, the present writ petition.

3. The learned counsel for the petitioner submitted that this Court may direct the respondents to consider the petitioners representation dated



24.06.2024 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 after conducting due enquiry, the legal heir certificate has been issued to the private respondents, the claim made by the petitioner is unsustainable. Hence, this Court may dismiss the writ petition.

5. Heard the learned counsel for the petitioner as well as the learned Additional Advocate General appearing for the respondents and perused the materials available on record.

6. This Court perused the entire records. On perusal of the same, it is seen that the petitioner has not produced any documents to prove the marriage between the petitioner's parents and she has produced only her birth certificate. All the other documents produced by the petitioner are self attested documents. Based on which, this Court cannot decide the issue. On perusal of the affidavit as well as the legal heir certificate, it is made clear that the claim made by the petitioner is disputed question of facts, which cannot be decided by this Court as well as the revenue officials and the same has to be decided only by the competent civil



forum. When the matter is taken up for hearing, the learned counsel has also seeks liberty to approach the competent civil Court in respect of the subject matter.

7. Considering the facts and circumstances of the case and the limited relief sought for by the petitioners, this Court, without rendering any opinion on the merits of the case, permits the petitioner to approach the competent Civil Court for establishment of the marriage between the petitioners parents.

8. In view of the above, the writ petition is dismissed. No costs.

17.10.2024

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To

1. The District Collector,
Chengalpattu, Chengalpattu District.

2. The Tahsildar,
Pallavaram, Chengalpattu,
Chengalpattu District.



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M.DHANDAPANI,J
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