



W.P.No.32230 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM :

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

W.P.No.32230 of 2024

1. J.Latha
2. J.Vinothkumar
- ...Petitioners

Vs.

1. The District Revenue Officer,
North Chennai Zone,
Chennai.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
North Chennai Revenue Division,
Chennai.
3. The Tahsildar,
Purasaiwalkkam-Perambur Taluk,
Perambur, Chennai – 600 011.
4. C.T.Rajendran
5. K.Rani
6. T.Gajendran
7. T.Nagendran

...Respondents



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Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the 3rd respondent to consider the petitioners representation dated 25.09.2024 to cancel the legal heir certificate and to include the petitioners name and to issue a fresh legal heir certificate in the name of Late Mr.Thambiran Naicker as per G.O.(Ms).No.478 Revenue & Disaster Management, Revenue Administration Wing RA-3(2) Section dated 29.09.2022 within a limited time frame.

For Petitioners : Mr.A.M.Esakkiappan

For Respondents : Mr.R.Neelakandan, AAG,
Assisted by Mr.U.Baranidharan, AGP, for R1-3

ORDER

The petitioners have filed this Writ petition seeking direction to the 3rd respondent to consider the petitioners' representation dated 25.09.2024 and to consequently, issue a fresh legal heir certificate of Mr.Thambiran Naicker, by including the petitioners' names.

2. Mr.U.Baranidharan, learned Additional Government Pleader takes notice on behalf of the respondents 1 to 3. In view of the consent expressed by the learned counsel on either side, this Writ petition is taken up for final



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disposal at the admission stage itself.

3. Since no adverse order is being passed against the respondents 4 to 7, notice to the respondents 4 to 7 is dispensed with.

4. The case of the petitioners is that, the 1st petitioner got married with one Jeevarathinam on 16.02.1983 and out of the wedlock, they were blessed with the 2nd petitioner. The 1st petitioner's husband met with an accident and he died on 01.10.1990, leaving behind his parents and the petitioners as legal heirs. After demise of her husband, on 11.01.1991, the 1st petitioner obtained legal heir certificate of the said Jeevarathinam. Subsequently, the 1st petitioner's father in law namely C.Thambiran Naicker died on 21.05.2001, leaving behind his wife namely T. Yasodha, the respondents 4 to 7 and the petitioners as the legal heirs. While so, on 26.06.2001, the respondents 4 to 7 intentionally omitted the petitioners' names and obtained the legal heir certificate of the said C.Thambiran Naicker. Thereby, the petitioners sent a representation dated 15.03.2022 seeking to cancel the said legal heirship certificate 26.06.2001, which evoked no response. Thereby, the petitioners filed W.P.No.23582 of 2022 and in compliance of the order of this Court dated 21.07.2023, the petitioners made a fresh representation before the 2nd



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respondent on 17.11.2023, which came to be rejected by the 2nd respondent, vide order dated 12.02.2024. Aggrieved by the same, the petitioners made a detailed representation dated 25.09.2024 to the 3rd respondent, seeking to cancel the legal heir certificate of the said C.Thambiran Naicker dated 26.06.2001 and to issue a fresh Legal Heir Certificate by including the petitioners' names, as per G.O.(Ms).No.478 Revenue & Disaster Management, Revenue Administration Wing RA-3(2) Section dated 29.09.2022, which evoked no response. Hence, this Writ petition.

5. Heard learned counsel on either side and perused the material documents placed on record.

6. Though very many grounds have been raised by the learned counsel for the petitioners, at the time of arguments, when this Court expressed its opinion that the issue involved in the present Writ petition is purely civil in nature and the same has to ventilated before the competent civil court, the learned counsel for the petitioners restricted the prayer and sought permission of this Court to file appropriate suit.

7. In view of the limited request made by the learned counsel for the



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petitioners, this Court, without going into the merits of the case, grants liberty to the petitioners to approach the competent civil court by way of filing appropriate suit and workout their remedy in the manner known to law.

8. With the above liberty, this Writ Petition stands dismissed. No costs.

29.10.2024
(2/2)

skt

NCC : Yes/No
Index : Yes/No
Speaking Order : Yes/No

To:

1. The District Revenue Officer,
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Chennai.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
North Chennai Revenue Division,
Chennai.
3. The Tahsildar,
Purasaiwalkkam-Perambur Taluk,
Perambur, Chennai – 600 011.

M.DHANDAPANI, J.



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M.DHANDAPANI, J.

In view of amendment to the Court fee rules, this petition is allowed, subject to payment of separate Court fee, within a period of two weeks, from the date of receipt of a copy of this order, failing which this order shall be applicable only to the first petitioner.

29.10.2024

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