



WEB COPY



W.P.No.481 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.481 of 2024

K.Veeraragavan

.. Petitioner

vs

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Kanchipuram District.

2.The Tashildar,
Tahsildar Office, Kanchipuram.

3.Thirumathi S.Mariamammal

4.Thirumathi S.Panathottam

5.K.Venkatesan

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records from 1st respondent's letter Na.Ka.No.2328/2023/A5 dated 25.07.2023 relating to rejection of petitioner's application that, to include petitioner's mother's name Kamatchi W/o. Kuppusamy in Petitioner's grandfather's legal heir certificate in Letter Pa.Mu.8037/2012/A5 dated 09.11.2012 which was issued by 2nd respondent, quash the same and consequently direct the 1st respondent to include petitioner's mother's name Kamatchi W/o. Kuppusamy in petitioner's grandfather's legal heir certificate in Letter Pa.Mu.8037/2012/A5 dated 09.11.2012.



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For Petitioner : Mr.P.Saravanan
For Respondents : Mr.R.Neelakandan,
Additional Advocate General
assisted by
Mr.U.Baranidharan,
Additional Government Pleader
for R1, R2
R3 to R5 – No appearance

ORDER

Heard Mr.P.Saravanan, for the petitioner and Mr.R.Neelakandan, learned Additional Advocate General assisted by Mr.U.Baranidharan, learned Additional Government Pleader, for the official respondents. Private respondents are served and name printed in the cause-list, despite which, there is no appearance by them or on their behalf.

2. The matter relates to issuance of legal heir certificate and the petitioner seeks inclusion of her mother's name in her grandfather's legal heirship certificate. The writ petition is rife with factual particulars. No counter has been filed by the official respondents thus far and in a matter of this nature, it would be preferable that all facts are marshalled and parties heard in order to enable a proper resolution of the matter.

3. G.O.(Ms).No.478, Revenue and Disaster Management, RA-3(2), dated 29.09.2022 provides for both appeal and revisional remedy under Clauses 7(1) and 7(2) thereof. The impugned legal heir certificate is dated 09.11.2012. Probably to get over the aspect of limitation, the petitioner has made an averment at paragraph 4 of the



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writ affidavit to the effect that he has come to be aware of the aforesaid legal heir certificate only on 03.10.2022.

4. The authority has, in the impugned order, proceeded on the basis that the application of the petitioner is belated. Taking a cue from the suggestion of Mr.Neelakandan, learned Additional Advocate-General, the matter is remanded to the file of R1, who will issue notice to the petitioner, R5, as well as any other individual, who are thought necessary for proper adjudication of the matter and pass orders expeditiously within a period of 12 weeks from date of receipt of a copy of this order and in accordance with law. In doing so, he will examine, as a preliminary issue, whether at all there is any justification for the belated request of the petitioner and only if satisfied, will proceed to hear the merits of the same.

5. Writ petition stands disposed in terms of this order. No costs.

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Index:Yes/No
Neutral Citation:Yes/No
ssm

To

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2.The Tashildar,



Tahsildar Office, Kanchipuram.

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DR. ANITA SUMANTH,J.

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