

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition(MD)No.1329 of 2024

S.Chandra

..Petitioner

Vs

1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.

2.The Revenue Divisional Officer,
Tiruchirappalli Revenue Division,
Tiruchirappalli District.

3.The Tahsildar,
Tiruchirappalli East Taluk,
Tiruchirappalli District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order in Mu.Mu.A4/6200/2023 dated 18.12.2023 passed by the 2nd respondent and quash the same and consequently directing the 2nd respondent to delete the name of Susila and include the name of J.Lakshmi Kantham in the legal heirship certificate of the petitioner's husband in certificate No.TN-720181029150 dated 17.01.2019 and issue the certificate after carrying out the correction.

For Petitioner :Mr.B.Prasanna Vinoth

For Respondents :Mr.P.Thambidurai
Govt. Advocate

ORDER

The Petitioner has prayed for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order in Mu.Mu.A4/6200/2023 dated 18.12.2023 passed by the 2nd respondent and quash the same and consequently, direct the 2nd respondent to delete the name of Susila and include the name of J.Lakshmi Kantham in the legal heirship certificate of the petitioner's husband in Certificate No.TN-720181029150 dated 17.01.2019 and issue the certificate after carrying out the correction.

2. Mr.P.Thambidurai learned Government Advocate takes notice for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that her husband Late Srinivasa Raghavan passed away on 09.10.2018 leaving behind her and her daughter G.S.Gayathiri. At the time of issuance of legal heirship certificate, she did not notice that her husband's late biological mother's name was included in the certificate instead of his adopted mother J.Lakshmi Kantham and adopted father Sanjeevi Ramanujam. While so, the said J.Lakshmi Kantham passed away on 11.01.2020

and the said Sanjeevi Ramanujam predeceased her husband. Hence, the petitioner and her daughter are the sole legal heirs of the said J.Lakshmi Kantham since she is adopted mother of her husband. When she applied for the legal heirship certificate in respect of the said J.Lakshmi Kantham, it was noticed that in the legal heirship certificate issued to her for her late husband, the biological mother's name was wrongly included instead of his adopted father Sanjeevi Ramanujam and adopted mother J.Lakshmi Kantham. The said Sanjeevi Ramanujam and J.Lakshmi Kantham did not have any biological children and they adopted the petitioner's husband as their adopted son vide registered Adoption Deed, dated 19.08.1974.

4. The further case of the petitioner is that originally, the legal heir certificate applied by the petitioner's husband Srinivasa Raghavan and his adopted mother J.Lakshmi Kantham for the late.Sanjeevi Ramanujam, was refused by the Tahsildar, Madurai North Taluk and they were relegated to civil Court. Hence, they filed a suit in O.S.No.806 of 2011 on the file of the Additional District Munsif Court, Madurai to declare that they are the sole legal heirs of the said Sanjeevi Ramanujam and the said suit was decreed. Hence, the petitioner made a representation dated 22.09.2023 to the respondents requesting them to delete the name of Susila and include the name of J.Lakshmi Kantham

in the legal heirship certificate of her husband in Certificate No.TN-720181029150 dated 17.01.2019 and issue the certificate after carrying out the correction. Since the respondents have not take any steps, the petitioner has filed a writ petition in W.P(MD)No.26005 of 2023. This Court vide order dated 30.10.2023 directed the second respondent to pass orders on the representation of the petitioner. Based on the above said order, the second respondent passed the impugned order, however, rejecting the claim of the petitioner. Challenging the same, the present writ petition.

5. The learned counsel for the petitioner would submit that the impugned order is passed without considering the civil court decree in O.S.No.806 of 2011 and in violation of the direction given by this Court in W.P(MD)No.26005 of 2023 dated 31.10.2023. Hence, the impugned order is liable to be quashed.

6. The learned Government Advocate appearing for the respondents would submit that the second respondent has passed the impugned order by following the Circular No.11/2017, RC No.RA/5(3), 80/2017 dated 09.08.2017 issued by the Chief Secretary to the Government/Commissioner of Revenue Administration and hence, it is a valid one. Hence, the learned Government Advocate prays for dismissal of this writ petition.

7. It is seen that a mistake has been crept while issuing the legal heirship certificate in the year 2019 and now only, the petitioner has noticed the said mistake and hence, he is seeking necessary correction as per order of the civil Court. Since the mistake has been done by the respondents, they cannot refuse to make the correction stating circular or any other reasons. Hence, this Court is of the view that the impugned order is liable to be set aside.

8. Accordingly, this Writ Petition is **allowed** and the impugned order in Mu.Mu.A4/6200/2023 dated 18.12.2023 passed by the 2nd respondent is set aside. The second respondent is directed to delete the name of Susila and include the name of J.Lakshmi Kantham in the legal heirship certificate of the petitioner's husband in certificate No.TN-720181029150 dated 17.01.2019 and issue the certificate after carrying out the correction within a period of four weeks from the date of receipt of a copy of this order. No costs.

23.01.2024

NCC : Yes/No
Index : Yes/No
Internet:Yes
skn

To

- 1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.
- 2.The Revenue Divisional Officer,
Tiruchirappalli Revenue Division,
Tiruchirappalli District.
- 3.The Tahsildar,
Tiruchirappalli East Taluk,
Tiruchirappalli District.

W.P(MD)No.1329 of 2024

V.BHAVANI SUBBAROYAN, J.

skn

Writ Petition(MD)No.1329 of 2024

23.01.2024