



W.P(MD)No.3716 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD).No.3716 of 2023

and

W.M.P(MD).Nos.3501, 3502 and 4314 of 2023

J.B.Ester Raj Duraipandian,

... Petitioner

Vs

1. The Commissioner of Revenue Administration,
Revenue Administration Disaster

Management and Mitigation Department,
Elizagam, Beach Road,
Chepauk, Chennai - 5.

2. The District Collector,
Virudhunagar District,
Virudhunagar.

3. The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

4. The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Sivakasi Revenue Division,
Sivakasi, Virudhunagar District.



W.P(MD)No.3716 of 2023

5. The Tahsildhar,
Srivilliputhur Taluk,
Srivilliputhur,
Virudhunagar District.

6. S.Vellayammal

7. S.Jeyakumar

8. S.Perumalraja

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 5th respondent's proceedings pertaining to impugned legal heir certificate - certificate no. TN-7201809051159 dated 14.09.2018 and appeal proceedings before 4th respondent impugned proceedings Moo.Mu.A2/3229/19 dated 19.08.2021 and revision proceedings before the 3rd respondent's impugned proceedings vide Na.Ka.No.Aa3/30075/2021 dated 11.01.2023 pertaining to the cancellation of Legal heir certificate and quash the same as illegal as devoid of merits and further direct the 2nd and 3rd respondents to conduct detailed enquiry based on the petitioner's representation dated 08.12.2019 and issue 2nd class legal heirship certificate for deceased P.Natarajan, S/o. Chinnaperumal Thevar, Kunampatti, Viluppanur, Srivilliputhur Taluk, Virudhunagar District in accordance with law.

For Petitioner : Mr.Raja Karthikeyan

For R1 to R5 : Mr.D.Gandhiraj

Special Government Pleader

For R6 to R8 : Unserved



W.P(MD)No.3716 of 2023

ORDER

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Heard the learned Counsel for the petitioner and the learned Special Government Pleader for the official respondents.

2.The private respondents could not be served.

3.One P.Natarajan passed away. The petitioner claims that the said Natarajan, who died on 07.03.1993 is his paternal uncle. The grievance of the petitioner is that the private respondents have by submitting fraudulent documents, obtained legal heirship certificate from the Tahsildar, Sriviliputhur on 14.09.2018. The petitioner came to know about the same and he filed an appeal before the Revenue Divisional Officer, Sivakasi, Virudhunagar District, who vide order, dated 19.08.2021, dismissed the petitioner's appeal only on the ground that more than one year had elapsed after the issuance of the legal heir certificate. Challenging the said order, he went before the DRO, Virudhunagar District, who vide memorandum, dated 11.01.2023, took the view that if there is any issue regarding the class II legal heirs, the person can go before the jurisdictional civil Court. Challenging the



W.P(MD)No.3716 of 2023

same, the present writ petition came to be filed.

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4.After hearing the learned Counsel appearing on either side, I am more than satisfied that the issue has to be re-enquired. The petitioner's counsel draws my attention to the G.O.(Ms).No.110, dated 13.03.2024, Sub-Clause 5, states that a legal heir certificate is liable to be recalled by the issuing authority, if it is found that the information furnished is false or the certificate was obtained on suppression of material facts or fraudulently. The petitioner is invoking this clause. Therefore, the question of limitation does not arise at all.

5.Therefore, the matter is remitted to the file of the Tahsildar, Sriviliputhur. The Petitioner shall appear before the Tahsildar, Sriviliputhur Taluk, on 29.04.2024 at 03.00 p.m. Notice shall be issued to the persons, in whose favour the legal heir certificate was earlier issued by the Tahsildar concerned. After conducting enquiry, appropriate orders shall be passed, within a period of twelve weeks thereafter. If the fifth respondent is satisfied with the petitioner's claim that the private respondents herein have indulged in fraud, the earlier legal heir certificate shall be recalled.



W.P(MD)No.3716 of 2023

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6. With the above directions, this Writ Petition is disposed of. No costs.

Consequently, the connected miscellaneous petitions are closed.

26.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
LR

To

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G.R.SWAMINATHAN, J.



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W.P(MD)No.3716 of 2023

LR

W.P(MD).No.3716 of 2023

26.03.2024