



W.P.(MD)No.7018 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 11.03.2024

Delivered on : 22.03.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.7018 of 2021

and

W.M.P.(MD)Nos.5411 and 5381 of 2021

Sundaravalli

: Petitioner

Vs.

- 1.The Tahsildar,
Egmore Taluk,
Chennai District.
- 2.The Tahsildar,
Aruppukottai Taluk,
Virudhunagar District.
- 3.The Regional Managar,
Canara Bank,
Regional Office South,
563/1, Annasalai,
Teynampet, Chennai – 600 040.
- 4.The Branch Manager,
Canara Bank, Triplecane Branch,
Chennai.



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5.P.J.Lakshmi

6.P.S.Venkataraman

... Respondents

Prayer : This Writ Petition filed under Article 226 of the Constitution of India, to call for the records relating to impugned NOC issued by the second respondent in proceedings மு.மு.எண்.1056/2019, dated 19.06.2019 and legal heir certificate issued by the first respondent vide certificate No.TN-7201908261278, dated 22.10.2019 in favour of the respondents 5 and 6 and quash the same as illegal, improper and unconstitutional, consequently directing the second respondent to issue legal heir certificate in favour of the petitioner as the petitioner alone is the legal heir of her deceased brother V.Krishnan, S/o.Velu.

For Petitioner : Mr.S.Balamurugan

For Respondents : M/s.Christy Theboral,
Additional Government Pleader, for R1 & R2

: Mr.S.Vijaykumar, Standing counsel,
for Mr.M.Kumar, for R5 and R6.

: No Appearance, for R3 and R4.

ORDER

The Writ Petition has been filed seeking to quash the NOC issued by the second respondent, dated 19.06.2019 and the legal heirship issued



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by the first respondent, dated 22.10.2019 and direction to the second respondent to issue legal heirship certificate in favour of the petitioner alone as the legal heir of her deceased brother V.Krishnan, S/o.Velu.

2. The case of the writ petitioner is that her brother V.Krishnan, who was suffering with chronic ailment, did not get marry with anyone until his death; that the petitioner being a physically challenged person remained unmarried; that the petitioner and his brother Krishnan were jointly living in Aruppukottai; that her brother Krishnan was the employee of Tamil Nadu Electricity Board and retired as Superintending Engineer; that when the said Krishnan was in service, he has stayed only at a Mansion bearing No.136, Big Street, Triplecane, Chennai; that his brother used to come to Aruppukottai regularly and was giving his salary to the petitioner to meet out the family and medical expenses; that the said Krishnan has mentioned the petitioner as his nominee in the bank account, maintained at Indian Overseas Bank; that the said Krishnan as usual came to Aruppukottai on 04.04.2019, but on 06.04.2019 he suffered cardiac arrest and died; that since the said Krishnan had died without marriage, the petitioner and the son of his another brother Velmurugan have completed all ritual rites; that



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the petitioner being the legal heir approached the Indian Overseas Bank, Triplicane Branch to withdraw the amount; that the Bank authorities considering the petitioner's application and also the fact that she was shown as nominee, they have transferred a sum of Rs. 20,94,498.50/-, which was lying deposit on his brother's account to the petitioner's account maintained at Aruppukottai Branch; that subsequently, he came to know that his saving bank account of IOB, Aruppukottai Branch has been frozen at the instance of the respondents 5 and 6 as they set up a rival claim against the petitioner; that the petitioner came to know from the police enquiry that the fifth respondent claiming to be the wife of the said Krishnan and the sixth respondent claiming to be the son of the fifth respondent and the said Krishnan without any basis or proof; that the fifth respondent has managed to get NOC from the second respondent and on that basis, she obtained legal heir certificate from the first respondent as if she is the wife of the deceased Krishnan and the sixth respondent is the son of the said Krishnan and that the respondents 5 and 6 have then filed a Writ Petition in W.P.(MD)No.23739 of 2019, seeking direction to the Indian Overseas Bank, Aruppukottai and Triplicane Branches to pay the proceeds of savings account stood in the name of the said Krishnan and



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that therefore, the petitioner was constrained to file the above writ petition, challenging the NOC issued by the second respondent and the legal heirship certificate issued by the first respondent.

3. The case of the respondents 5 and 6 is that the fifth respondent had married V.Krishnan @ Srinivasan on 29.08.1979 and due to their wedlock, sixth respondent was born; that their family subsequent to the marriage was settled in Gengu Reddy Road, Egmore and later, they have purchased a flat bearing No.1 C Kuber Apartment, Egmore, Chennai, vide sale deed, dated 21.06.2002, that the requisite Government documents would clearly go to show that the fifth respondent and her family are the permanent residents of 1 C Kuber Apartment, Egmore; that the said Krishnan has proceeded to his native place Aruppukottai in connection with the family dispute pending on the file of the District Munsif Court, Aruppukottai and carried a sum of Rs.18,00,000/- for settlement of disputes; that the said Krishnan contacted the fifth respondent over phone and informed the fifth respondent that he was negotiating the matter and the matter would be settled; that subsequently, the fifth respondent came to know that her husband died on 06.04.2019 on account of cardiac arrest



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and the death was not intimated to her; that the fifth respondent suspected a foul play, approached the Superintendent of Police, Virudhunagar and submitted a complaint on 17.05.2019; that the Police conducted an enquiry against four persons inclusive of the writ petitioner and ultimately concluded the enquiry, directing the parties to approach the civil Court; that the petitioner's father bequeathed the properties to the legal heirs vide a Will deed, dated 22.11.1980 and that the allegations of the petitioner that Krishnan did not get marry with any one until his death is totally false and incorrect.

4. It is the further case of the respondents 5 and 6 that the fifth respondent approached the revenue authorities ie., the Tahsildar, Egmore Taluk; that the revenue authorities held detailed enquiry and obtained statement from various persons and after satisfying with the enquiry, the matter was referred to the Tahsildar, Aruppukottai and on obtaining NOC, the legal heirship certificate was issued and on the basis of legal heirship certificate issued, the fifth respondent has approached this Court by filing the Writ Petition in W.P.No.23739 of 2019 and that if the petitioner is aggrieved by the issuance of NOC and the legal heirship certificate, the remedy open to her is elsewhere.



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5. The learned counsel for the writ petitioner would submit that the respondents 5 and 6 in the affidavit filed in support of the Writ Petition in W.P.(MD)No.23739 of 2019, have stated that they are the Class-I legal heirs of the deceased P.C.Srinivasan and the family card of the fifth respondent reveals that the husband name of the fifth respondent is Srinivasan @ Krishnan; that because of name semblance and the petitioner's inability, the respondents 5 and 6 had taken advantage and influenced the respondents 1 and 2 for procuring false legal heir certificate as if they are the legal heirs of her brother V.Krishnan, who died unmarried; that if the names of Srinivasan @ Krishan and V.Krishnan are one and the same, then the initials of their names connotes different names of their father and that therefore, P.C.Srinivasan cannot be a V.Krishnan, since the initials of both the names differs, which clearly established that both are different persons.

6. The learned counsel for the petitioner would further submit that the S.S.L.C., certificate, identity card issued by the Thiagarajar Engineering College, Residential certificate issued by the Chief Engineer,



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Tamil Nadu Electricity Board and Pension statement would only show the deceased as V.Krishnan and not as P.C.Srinivasan or as Srinivasan @ Krishnan. He would further submit that in the transfer certificate of the sixth respondent, his father name has been shown as P.C.Srinivasan and that in the documents submitted by the fifth respondent before the authorities would only show as P.C.Srinivasan or P.C.Srinivasan @ Krishnan.

7. The learned counsel for the respondents 5 and 6 would submit that the fifth respondent belongs to brahmin community; that she had married the said Krishnan, in Sankara Mutt without the knowledge of the husband family; that due to their wedlock, sixth respondent was born to them and all of them were living in the apartment till the death of her husband; that the fifth respondent has lodged a complaint having suspicious over the death of her husband, but the police did not taken any action and closed the complaint as civil matter and that the revenue authorities after conducting detailed enquiry at Aruppukottai as well as at Egmore has given legal heirship certificate. He would further submit that the husband of the fifth respondent though shown as V.Krishnan in the



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school and college records, he was also called as Srinivasan by pet name and that the Government records would go to show that he has been called both in the names of V.Krishnan as well as Srinivasan; that the fifth respondent has purchased the property in Aravamuthan Garden street, Egmore from one V.S.Parthasarathy, vide sale deed dated 21.06.2022 and in the said documents itself, the fifth respondent has been shown as Mrs.P.J.Lakshmi W/o.V.Krishnan, that in the passport of the said Krishnan, the fifth respondent has been referred as Lakshmi Krishnan residing at Aravamuthan Garden street and that the petitioner without any basis has raised an allegation that Srinivasan and Krishnan are different persons and the respondents 5 and 6 have no connection with the said Krishnan.

8. The Additional Government Pleader appearing for the respondents 1 and 2 would submit that the writ petitioner was residing in Aruppukottai separately without marriage; that her brother Krishnan was residing in Chennai and while he came to his relatives house at Aruppukottai, died on 06.04.2019; that since the said Krishnan had died in Aruppukottai, the Tahsildar, Aruppukotai by stating that the deceased



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Krishnan was not residing in Aruppukottai and that they have no objection for issuance of no objection certificate, issued no objection certificate, after enquiry and on basis of NOC given by the Tahsildar, Aruppukottai, the Tahsildar, Egmore has issued a legal heir certificate showing the respondents 5 and 6 as legal heirs of the deceased Krishnan and that the petitioner is still aggrieved, he can very well approach the competent civil Court for getting the necessary relief, if so advised.

9. As already pointed out, the main contention of the writ petitioner is that the fifth respondent is not the wife and the sixth respondent is not the son of her brother Krishnan and that therefore, no objection certificate issued by the second respondent and the legal heir certificate issued by the first respondent are liable to be quashed. But on the other hand, it is the specific case of the respondents 5 and 6 that the fifth respondent is the legally wedded wife and the sixth respondent is the son of the deceased Krishnan; that they are the Class- I legal heirs of the deceased Krishnan and that since the respondents 5 and 6 have claimed legal heirship certificate, the revenue authorities, after conducting detailed enquiry had issued legal heir certificate.



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10. No doubt, the Government of Tamil Nadu has issued a circular dated, 29.09.2022 in pursuance of the judgment of Hon'ble Full Bench of this Court in ***P.Venkatachalam and others Vs. The Tashildar*** reported in ***2022(4) CTC 1***, wherein the Government has issued guidelines for issuance of legal heir certificate and prior to the said Circular, dated 29.09.2022, there was an earlier circular, dated 24.09.2019, wherein the Tahsildars were directed to issue legal heir certificate only to direct or Class-I legal heir and there was a specific provision for appeal, wherein if any dispute arises on the heirship certificate, aggrieved party can prefer an appeal before the respective Revenue Divisional Officer within a period of one year from the date of issuance of certificate.

11. In the present Circular, dated 29.09.2022, if any person is aggrieved by order of the Tahsildars, he has to approach the Revenue Divisional Officer by an appeal and any person aggrieved by the orders of Revenue Divisional Officer in the appeal, he has to prefer a revision before the District Revenue Officer.



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12. No doubt, in the case on hand, the impugned NOC and legal heir certificate came to be issued on 19.06.2019 and 22.10.2019 respectively, Admittedly, the writ petitioner has not availed the statutory appeal and as rightly contended by the learned counsel for the respondents, he has approached this Court directly.

13. Generally the legal heirship certificates are issued by the Tahsildar to the family members of the deceased based on the fact finding enquiries undertaken by the Deputy Tahsildars, Revenue Inspectors and Village Administrative Officers. The Revenue Officials are not expected to conduct enquiry similar to that of a trial of a suit in the civil Court. In the case on hand, as already pointed out, after conducting enquiry and on getting the report from the revenue officials, the first respondent has passed the impugned order and as such, the same cannot be found fault with. Moreover, in *Venkatachalam's case* above referred, the Full Bench of this Court has specifically observed that a legal heirship is a status governed by the respective personal law of parties through various statutes and the certificates issued by the Tahsildar amount to nothing more than a



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relationship certificate reflecting the opinion of the Tahsildar as to the relationship of the applicant and others named therein with the deceased and that therefore, the certificate issued by the Tahsildar does not affect the legal right of any party and has no bearing on the status of a legal heir which is conferred on an individual under his/her personal law.

14. As rightly contended by the learned counsel for the respondents 5 and 6, the authorities after conducting enquiry and after satisfying with the existence of prima facie case that the fifth respondent is the wife and the sixth respondent is the son of the deceased Krishnan, they have decided to issue the legal heir certificate.

15. Considering the above, the impugned NOC and the legal heir certificate issued by the respondents 1 and 2 respectively cannot be found fault with and as such, this Court is not inclined to interfere with their decision at this point of time. But at the same time, if the writ petitioner is aggrieved, she is always at liberty to approach the competent Civil Court for getting her grievance redressed. Hence, this Court concludes that the writ petition is devoid of merits and the same is liable to be dismissed.



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16. In the result, the Writ Petition is dismissed. Consequently, connected Miscellaneous petitions are closed. No costs.

22.03.2024

NCC :yes/No
Index :yes/No
Internet:yes/No
das

To

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das

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Dated : 22.03.2024