



W.P(MD)No.15210 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.15210 of 2023

G.K.Balamurugan

... Petitioner

-Vs-

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Revenue Divisional Officer,
Kovilapatti, Thoothukudi District.

3.The Tahsildar,
Kovilapatti, Thoothukudi District.

4.The Village Administrative Officer,
Iyan Bommaiypuram,
Vilathikulam Taluk,
Thoothukudi District.

5.Rajammal

6.Ayappan

7.Narayanasamy

8.Subburaj

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents more particularly the respondents 1 to 3 to consider the representations of the petitioner dated 16.06.2021 and 09.07.2021 submitted with request to conduct enquiry and cancel the legal heir certificate of Thatha @ Ramasamy Naicker which was issued by

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the third respondent and issue afresh legal heir certificate including the petitioner's name as legal heir of Thatha @ Ramasamy Naicker.

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For Petitioner : Mr.P.Mani Anandh
For Respondents : Mr.D.Gandhi Raj
Spl. Govt. Pleader (for R1 to R4)

Mr.K.Mu.Muthu (for R5 to R8)

ORDER

This writ petition is filed seeking for issuance of a Writ of Mandamus directing the respondents 1 to 3 to consider the representations of the petitioner dated 16.06.2021 and 09.07.2021 submitted with request to conduct enquiry and cancel the legal heir certificate of Thatha @ Ramasamy Naicker, which was issued by the third respondent and issue afresh legal heir certificate including the petitioner's name as legal heir of Thatha @ Ramasamy Naicker.

2. The case of the petitioner is that his maternal grandfather, namely, Thatha @ Ramasamy Naicker owns family properties in Iyanboomiyapuram village and Kovilpatti. The petitioner's grandfather and grandmother/the 5th respondent have 4 legal heirs, namely, Ramalakshmi/petitioner's mother, Ayappan, Narayanasamy and Subburaj/respondents 6 to 8, who are the petitioner's maternal uncles. On 10.01.2009, the petitioner's grandfather passed away. The petitioner's mother Ramalakshmi predeceased his father Thatha @ Ramasamy Naicker on 19.02.1987.



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3. The specific case of the petitioner is that his mother is one of the legal heirs of the his grandfather and hence, she is entitled to her shares in the family properties. As per the Hindu Succession Act, the son of the predeceased daughter comes under Class-I legal heir and they are entitled to the share of the family property. Since the petitioner's mother had predeceased his grandfather, being legal heir, the petitioner is entitled to the share in his grandfather's family property. However, with an ill intention to grab all the family properties, the respondents 6 to 8, had obtained legal heir certificate dated 07.09.2011 from the third respondent without including the petitioner's mother's name, namely, Ramalakshmi. Thereafter, the respondents 6 to 8 sold some of the family properties vide Doc.No.1137/2021 dated 12.04.2021 on the file of the Vilathikulam Sub-Registrar Office to some third parties. Immediately, after the knowledge of the same, on 16.06.2021, the petitioner made a representation to the respondents 1 to 3 seeking them to cancel the above legal heir certificate and issue afresh legal heir certificate including his name as legal heir of the said Thatha @ Ramasamy Naicker. On receipt of the same, the second respondent, by his proceedings dated 30.06.2021, had directed the third respondent to conduct an enquiry in this regard and submit a report. In the meanwhile, the petitioner has also sent a representation to the third respondent to redress his grievance. The third respondent had submitted his report dated 10.08.2022 before the second respondent.



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Since there was some anomalies, the second respondent, by his proceedings dated 22.09.2022 had directed the third respondent to rectify the same and submit a fresh report. Thereafter, the second respondent sent a summons dated 30.01.2023 to the petitioner directing him to appear before him with relevant records on 15.02.2023. Accordingly, the petitioner appeared before him and submitted his explanation. However, thereafter, no action was taken. Hence, the petitioner has filed the present writ petition for the aforesaid relief.

4.The learned Special Government Pleader appearing for the respondents 1 to 4 would submit that the second respondent/Revenue Divisional Officer had conducted an enquiry on various dates and accordingly, the second respondent sent a letter dated 16.03.2023 stating that she recorded the submission made by the wife of the deceased person, wherein, she had stated that the petitioner's grandfather died and their daughter predeceased on 19.02.1987. Hence, they have not included her name and male legal heirs names alone have been included. She further stated that she has no objection for including her name in the legal heir certificate. The second respondent further stated that the respondents 6 to 8 have obtained the legal heirs certificate suppressing the said fact. Hence, the legal heir certificate u.p. 251 / 20757 / (*)2011 dated 07.09.2011 may be cancelled. Hence, as per guidelines issued by the Chief Secretary, the second respondent recommended the Revenue



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Divisional Officer to issue fresh legal heir certificate including the name of the petitioner.

5. In view of the above, the District Revenue Officer, Thoothukudi is directed to consider the case of the petitioner and cancel the legal heir certificate made in U.P. No. 1/20757/ (*)2011 dated 07.09.2011 and issue a fresh legal heir certificate including the name of the predeceased daughter of the said deceased Thatha @ Ramasamy Naicker, namely, Ramalakshmi, the petitioner's mother, as legal heir, to enable the petitioner to make his claim in the appropriate forum, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar

(*)Corrected as per the order of this Court dated. 28.02.2024.

Sd/-

Assistant Registrar(C.O)

// True Copy //

/03/2024

Sub Assistant Registrar
(CS-I/II/III/IV)

(*)To be substituted to the order already despatched on 13.02.2024.

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To

WINGDPM

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Revenue Divisional Officer,
Kovilapatti, Thoothukudi District.

3.The Tahsildar,
Kovilapatti, Thoothukudi District.

4.The Village Administrative Officer,
Iyan Bommaiypuram,
Vilathikulam Taluk,
Thoothukudi District.

COPY TO:

THE DISTRICT REVENUE OFFICER,
THOOTHUKUDI.

+1 CC to M/s.P.MANI ANANDH, Advocate (SR-279[F] dated 04/01/2024)

+1 CC to M/s.K.MU.MUTHU, Advocate (SR-8221[F] dated 29/02/2024)

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MK/02.02.2024 6P 8C

SI-(11.03.2024) 6P/ 8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.

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