



W.P.No.2567 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.2567 of 2025

and

W.M.P.Nos.2884 and 2886 of 2025

Vijaya @ Vijayalakshmi

... Petitioner

VS.

- 1.The District Collector,
O/o. Collectorate Office,
Kancheepuram.
- 2.The Revenue Department officer,
O/o. Revenue Department Office,
Sriparambatur.
- 3.The Tashildar,
Kundrathur Taluk,
Kundrathur – 600 069.
- 4.The Revenue Inspector,
O/o. Revenue Inspector Office,
Kolappakkam, Chennai.
- 5.The Sub-Registrar,
O/o. Sub-Registrar office,
Kundrathur – 600 069.



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6.The Commissioner of Police,
O/o. Commissionerate Office,
Avadi, Chennai – 600 054.

7.The Inspector of Police,
Central Crime Branch Land Dispute Team
(CCB-L-II- & L-IV) O/o. Commissionerate Office,
Avadi, Chennai – 600 054.

8.The Inspector of Police,
O/o. Koyembedu Police Station (Crime)
K-10, Police Station, Koyembudu,
Chennai – 600 107.

9.The Assistant Engineer,
O/o. TANGEDO, Baraniputhur,
Iyyapathangal, Chennai – 600 056.

10.V.T.Bhuvaneswari @ Bhuvana,

11.S.Monesh

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring that the settlement deed dated 29.05.2024 executed by the 10th respondent V.T.Bhuvaneswari @ Bhuvana and registered as document No.8880/2024 on the file of he Sub Registrar Kundrathur, in favour of the 11th respondent S.Monesh is null and void as the same has been registered by suppressing the material facts and on the basis of fake legal heirship certificate No. TN-7202001241163 obtained by the 10th respondent fraudulently and illegally.



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For Petitioner : Mr.B.Harikrishnan

For R1 to R4 : Mr.V.Ramesh
Government Advocate

For R5 : M/s.C.Meera Arumugam
Additional Government Pleader

For R6 to R8 : Mr.L.Baskaran
Government Advocate (Crl.Side)

For R9 : Mr.L.Jaivenkatesh
Standing Counsel

ORDER

By consent of both the learned counsel appearing for the petitioner as well as respondents 1 to 9, this writ petition is disposed of at the admission stage itself.

2. The Writ Petition is filed seeking issue of writ of Declaration declaring that the Settlement Deed dated 29.05.2024 executed by 10th respondent in favour of the 11th respondent as null and void on the ground



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that the same had been registered by suppressing the material facts and on the basis of fake Legal Heirship Certificate No.TN-7202001241163 obtained by 10th respondent.

3. It is the case of the petitioner that property situated in Door No.2/107, 5th Street, Rajarathinam Nagar, Iyyapanthangal, Chennai originally owned by petitioner's father-V.S.Thanikachalam, who executed a Will in favour of his daughters namely petitioners and 10th respondent bequeathing the said property in their favour. After death of petitioner's father-V.S.Thanikachalam, the 10th respondent herein fraudulently obtained a Legal Heirship Certificate on 04.02.2020 from the Office of the 3rd respondent as if, she was the sole heir of V.S.Thanikachalam. In this regard, the petitioner submitted a representation to the 1st respondent seeking cancellation of the Legal Heirship Certificate obtained by 10th respondent. The 2nd respondent in his proceedings in Na.Ka.No.5006/2024/A5, dated 03.12.2024 directed the 3rd respondent to conduct enquiry on the representation of the petitioner and submit a report to his office.



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4. While the matter is pending before the 2nd respondent, the 10th respondent taking advantage of the fake Legal Heirship Certificate obtained by her, executed a Settlement Deed in favour of her son settling entire property including the petitioner's share. Therefore, the petitioner has come before this Court seeking above mentioned prayer.

5. As far as the declaration sought for by the petitioner that Settlement Deed executed by 10th respondent in favour of 11th respondent was null and void is concerned, this Court is not inclined to entertain the prayer sought for as the petitioner has got civil remedy of filing a suit seeking necessary declaration regarding the binding nature of the document. However, in view of the allegation made by the petitioner that 10th respondent obtained Legal Heirship Certificate as if, she was the sole heir of V.S.Thanikachalam and the complaint made by the petitioner regarding the said Legal Heirship Certificate is pending on the file of the 2nd respondent, without going into the merits of the claim made by the petitioner, this Court is inclined to direct the 3rd respondent to forward his report to the 2nd respondent as per the proceedings of 2nd respondent, dated 03.12.2024 within a period of four weeks from the date of receipt of copy of this order.



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Thereafter, the 2nd respondent shall conduct enquiry after issuing notice to the petitioner and 10th respondent and other interested parties and pass final orders on its own merits and in accordance with law, within a period of eight weeks from the date of receipt of report from the 3rd respondent.

6. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, the connected writ miscellaneous petitions are closed.

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Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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S.SOUNTHAR, J.

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