



W.P.No.5735 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 20.02.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.5735 of 2025
& W.M.P.No.6581 of 2025

Peraman M/A 66 years,

... Petitioner

/versus/

The Tahsildar,
Omalur Taluk,
Salem District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, to calling for the records pertaining to the impugned order passed by the respondent dated 20.11.2024 bearing Application No.TN720241106960 and quash the same and subsequently issue Legal Heir Certificate to the petitioner for the death of the petitioner's father Kuppan digounder S/o late. Kuppan nagounder.

For Petitioner

: Mr.C.Deepak Kumar

For Respondent

: Mr.R.Neelakandan,
Additional Advocate General,
Assisted by Mr.K.Murthy,
Government Advocate.



W.P.No.5735 of 2025

WEB COPY

ORDER

The writ petition is filed challenging the impugned order dated 20.11.2024, bearing application No.TN720241106960 and quash the same and subsequently issue Legal Heir Certificate to the petitioner for the death of the petitioner's father Kupbandigounder S/o late. Kuppannagounder.

2. The grievance of the petitioner is that the petitioner's father Kupbandigounder Gounder died on 8/10/2004. The petitioner is one of the legal heirs and particulars of the other legal heirs are also given in the affidavit filed in support of writ petition. As per the procedure, when online application is made, the applicants are supposed to upload the details of all the legal heirs. However, one legal heir is not cooperating. When the Revenue Inspector conducted the enquiry also, he was not cooperating. Therefore, the impugned order is passed rejecting the application.

3. The Learned Counsel appearing on behalf of the petitioner would submit that for the default of one of the legal heir alone, the very issue of legal

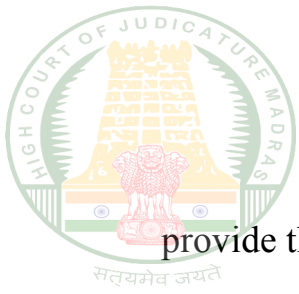


W.P.No.5735 of 2025

heirship certificate should not be denied.

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4. Per contra, Mr.R.Neelakandan, Learned Additional Advocate General appearing on behalf of the respondent would submit that an enquiry is conducted and even thereafter since the documents are not forthcoming, the application stands closed. Even if re-enquiry has to be conducted, the applicants have to make only a new application and as per the portal and the scheme of things, even the Tahsildar or the authorities cannot reopen the same application and pass orders thereon. When an online application is made and when for any reason if the Court finds that the reasons are not proper and remits the matter back for fresh enquiry, even in the online portal, appropriate provisions should be made by duly enabling the authorities to reopen the same application and conduct the enquiry and pass orders. It is for the appropriate agency which is giving the digital support to the Government of Tamil Nadu to look into this matter and forthwith create such provision to the authorities. Be that as it may, even if it is not possible to reopen the application online, a copy of this order shall be placed before the TN e-Government Agency or the service provider which is responsible to do the same and on receipt of the copy of the order, they shall endeavour to



W.P.No.5735 of 2025

provide the said facility to the appropriate authorities.

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5. As far as this case is concerned, when one of the legal heir is not cooperating, he cannot hold the other legal heirs for ransom. It is for the authorities to make an enquiry and come to the conclusion as to who are all the legal heirs and grant legal heirship certificate in accordance with the Government Orders made in this regard. The entire application cannot be rejected for the default of one or two of the legal heirs alone.

6. In view thereof, this Writ Petition is ordered accordingly.

(i) The impugned order dated 20.11.2024 made in Application No.TN720241106960 shall stand set aside.

(ii) The authority shall conduct a fresh enquiry and needless to mention that the authorities can issue notice to the petitioner as well as the other legal heirs and come to a conclusion to their best judgment and who are all found to be Class-I legal heirs and their names can be included in the legal heirship certificate and legal heirs certificate can be issued and uploaded.



W.P.No.5735 of 2025

WEB COPY

(iii) As contained supra, upon production of the copy of this order before the appropriate service provider, the appropriate service provider shall enable the Tahsildar or the concerned authorities throughout the State, whenever the application is remitted back by the Court of law, there must be a provision for them to reopen the application by entering into with the column that there is a Court Order and thereafter, to conduct enquiry and upload fresh orders. The said exercise shall also be completed within a period of 16 weeks from date of receipt of web copy of the order without waiting for the certified copy of this order.

(iv) As far as this particular case is concerned, even if it is not possible to reopen the application in online portal, the same shall be done in physical mode and appropriate entries may be made later. The exercise of disposing of the present application shall be completed within a period of 12 weeks by the respondents.

(v) The Secretary, Department of Revenue and Disaster Management and the Commissioner of Revenue Administration shall also appropriately instruct



W.P.No.5735 of 2025

the service providers to enable the service provider in carrying out the aforesaid exercise.

(vi) It can also be seen that whenever the application is rejected, in the online portal, a reason is mentioned which normally runs to one sentence or half a sentence, which is not very clear also. Therefore, when the authorities pass order, the said order itself can be uploaded in the PDF format for the parties to download. Such a provision shall also be made in the portal.

7. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

20.02.2025

Neutral Citation : No.
bsm

To,
1. The Tahsildar, Omalur Taluk, Salem District.
2. The Government Pleader, High Court, Madras.



WEB COPY



W.P.No.5735 of 2025



WEB COPY



W.P.No.5735 of 2025

D.BHARATHA CHAKRAVARTHY, J.

bsm

W.P.No.5735 of 2025

20.02.2025

Page 8 of 8