



W.P.No.13355 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 17.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.13355 of 2025

E.Kannabiran

... Petitioner

Vs.

1.The District Collector
Tiruallur
Tiruvallur District.

2.The Revenue Divisional Officer
Tiruvallur
Tiruvallur District.

3.The Tahsildar
Poonamallee Taluk Office
Poonamallee
Tiruvallur District.

4.The Tahsildar
Avadi Taluk Office
Tiruvallur District.

...Respondents



W.P.No.13355 of 2025

WEB COPY

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 to 4 herein to consider the petitioner's representation dated 06.01.2025 and consequently issue a fresh legal-heirship certificate by including the petitioner and his sisters names.

For Petitioner : Mr.R.Ramesh

For Respondents : Mr.R.Neelakandan
Additional Advocate General-VIII
Assisted by
Dr.S.Suriya
Additional Government Pleader

ORDER

This Writ Petition is filed with the prayer directing the respondents 2 to 4 to consider the petitioner's representation dated 06.01.2025 and to issue a fresh legal heirship certificate by including the name of the petitioner also.



W.P.No.13355 of 2025

WEB COPY

2. Upon hearing, the learned counsel for the petitioner and perusing the affidavit filed in support of the Writ Petition and perusing the material records of the case, the grievance of the petitioner is that one Elumalai died on 28.09.2004. He was married to two women and the petitioner is born through the second wife namely Yeshoda. Eventhough, legal heirship certificate is issued on 03.09.2010 the petitioner's name is missing in the said legal heirship certificate. The petitioner therefore has made the above representation.

3. The learned Additional Advocate General would submit that even if the original particulars if that are given is wrong as per the Government Order, the authorities have a right to correct the same.

4. It is also seems that there is bifurcation of Taluk. In any event, the Revenue Divisional Officer is the appellate authority.

5. In view thereof, this Writ Petition is disposed of on the following terms:



W.P.No.13355 of 2025

WEB COPY

(i) The second respondent shall take up the representation made by the petitioner 06.01.2025 for consideration, it can be seen that even the children born through the second wife also are entitled to be mentioned as legal heirs and therefore, the same shall be considered by the second respondent;

(ii) The second respondent shall issue notice to the petitioner as well as the other legal heirs mentioned in the legal heirship certificate dated 03.09.2010 and if the second respondent finds that the petitioner is also the son of the said Elumalai his name shall also be included and a fresh legal heirship certificate be ordered to be issued;

(iii) The aforesaid exercise shall be completed within a period of 12 weeks from the date of receipt of the web copy of the order, without waiting for the certified copy of the order;

(iv) No costs.

17.04.2025

Neutral Citation : No
dna



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W.P.No.13355 of 2025

D.BHARATHA CHAKRAVARTHY, J.
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W.P.No.13355 of 2025

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