IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2025

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THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

WP No.25746 of 2023
&
W.M.P.Nos.25172 and 25173 of 2023

S.Shobana … Petitioner

Vs

1. The State of Tamil Nadu
   Represented by its Secretary
   Revenue and Disaster Management Department
   Fort St. George
   Chennai – 600 009

2. The Revenue Divisional Officer
   Office of the Revenue Divisional Officer
   Salem
   Salem District

3. The Tahsildar
   (Salem South)
   Salem
   Salem District

4. S.Ambika … Respondents

Writ Petition filed under Article 226 of Constitution of India to issue writ of certiorari calling for the records relating to the order of the second respondent dated 17.08.2023 in Na.Ka.No.4569/2023/A1 and quash the same.

For Petitioner : Mr.M.Govindaraju

For Respondents :Mr.R.Neelakandan

Additional Advocate General
Assisted by
Mr.Yogesh Kannadasan
Special Governemnt Pleader
for R1 to R3

Mr.V.S.Janarthanan
for Mr.S.Senthil for R4

ORDER

This writ petition has been filed challenging the summons issued by the second respondent dated 17.08.2023.

2. The petitioner is the daughter of one Somasundaram @ Sundaram and said Somasundaram @ Sundaram died on 05.08.2013. Hence, the petitioner applied for Legal Heirship Certificate and after enquiry, Tahsildar, Salem (South) has issued the certificate dated 17.03.2015 to petitioner's mother and her three daughters. It is stated that after four years of death of said Somasundaram @ Sundaram, the fourth respondent has submitted an application to third respondent to include her name in the Legal Heir Certificate, but after enquiry, the third respondent vide order dated 06.09.2017 directed the fourth respondent to seek remedy before the Competent Civil Court. As against the said order, the fourth respondent filed an appeal before the 2nd respondent,

Revenue Divisional Officer, only on 13.06.2022. The second respondent rejected the said appeal vide order dated 21.06.2025 stating that as per G.O.Ms.No.478, Revenue and Disaster Management Department, dated 29.09.2022, the appeal against the order of Tahsildar should be filed within one year from the date of the order.

3. The learned counsel for the petitioner submitted that having disposed of the appeal, the second respondent has again issued a Notice of Enquiry dated 17.08.2023 to the petitioner and directing the petitioner to appear for an enquiry on 04.09.2023.

4. Heard the learned Additional Advocate General appearing on behalf of Respondents 1 to 3 and Mr.V.S.Janarthanan, learned counsel representing the counsel on record for fourth respondent and also perused the materials available on record.

5. Though the respondents have filed the counter affidavit, the fact remains that as against the Tahsildar order, the fourth respondent has already filed an appeal before the Revenue Divisional Officer and the Revenue Divisional Officer has rejected the appeal directing the parties to go before the Civil Court. Aggrieved over the same, once again a petition has been given to the District Collector, which has been sent to the Revenue Divisional Officer with a direction to dispose of the petition. Now the Revenue Divisional Officer has issued the impugned summons, which is challenged in the present writ

petition. As per G.O.(Ms) No.478, Revenue & Disaster Management, Revenue Administration Wing, RA-3(2) Section dated 29.09.2022, any dispute arising out of the legal heirship certificate issued, petition should be filed before the Revenue Divisional Officer within a period of one year from the date of issuance of certificate and revisionary power is retained with the District Revenue Officer. Earlier the revisionary power was with the District Collector and now the said power has been given to the District Revenue Officer. Now the petition as against the order of the Revenue Divisional Officer has been presented only on 12.06.2023 much after the Government Order. In view of the above Government Order, let the matter pending before the Revenue Divisional Officer be transferred to the District Revenue Officer within a period of 10 days from the date of receipt of a copy of this order and the District Revenue Officer shall issue fresh summons to the parties and dispose of the revision within a period of three months thereafter.

With the above direction, this writ petition is disposed of. Consequently, the connected miscellaneous petitions are closed. There shall be no order as to costs.

01.12.2025

Index:Yes/No
Speaking/Non-speaking order
Internet:YesNeutral
Citation:Yes/No

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To

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   Revenue and Disaster Management Department
   Fort St. George
   Chennai – 600 009

2. The Revenue Divisional Officer
   Office of the Revenue Divisional Officer
   Salem
   Salem District

3. The Tahsildar
   (Salem South)
   Salem
   Salem District

4. The District Revenue Officer
   Salem, Salem District

N.SATHISH KUMAR J.

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