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W.P.No.34388 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.34388 of 2024

C.REGRAJ

... Petitioner

Vs

1. THE DISTRICT COLLECTOR,
O/O. THE COLLECTORATE,
CHENNAI, RAJAJI SALAI,
FOURTH FLOOR, 62, BEACH ROAD,
GEOEGE TOWN, CHENNAI-600001.
2. THE TAHSILDAR,
GUINDY TALUK,
ANNA SALAI,
CHENNAI -600032.
(R2- SUBSTITUTED BY ORDER
DATED 17.02.2025 IN W.P.No. 34388 of 2024 BY DBCJ)
3. DAMAN PRAKASH
4. SHARVAN KUMAR

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the 1st and 2nd respondents to consider the representation dated 14.08.2024 and consequently to conduct an enquiry on the issuance of the legal heir certificate bearing No. D.Dis.D1/36965/2013 in Serial No.2192 dated 13.11.2013 and to take



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appropriate action against the 3rd and 4th Respondents within the time frame fixed by this Court.

For Petitioner	: Ms.R.Kanishca for M/s. Nathan and Associates
For R1 & R2	: Mr.R.Neelakandan Additional Advocate General Assisted by Mr.K.Murthi, Government Advocate
For R3	: Mr.K.Sakthivel
For R4	: Not ready in notice

ORDER

This writ petition is filed for a mandamus directing the respondents 1 and 2 to consider the representation of the petitioner dated 04.08.2024 and consequently to conduct an enquiry on the issuance of legal heir certificate bearing No. D.Dis.D1/36965/2013 in Serial No. 2192 dated 13.11.2023 and to take appropriate action against the respondents 3 and 4.

2. When the matter came up for hearing, the learned counsel for the petitioner submitted that both the petitioner and the respondents 3 and 4 are the legal heirs of one Mr.Champalal Rathod. However, while the late



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Mr.Champalal Rathod's legal heir certificate included the petitioner, the respondents 3 and 4 obtained a legal heir certificate excluding the petitioner's name. Therefore, the petitioner gave the representation.

3. The learned Additional Advocate General appearing on behalf of the respondents 1 and 2 would submit that since the Mambalam Guindy Taluk has been bifurcated and the Tahsildar of Guindy Taluk should now consider the present application. He further submitted that in the original letter of the Secretary to the Government Revenue and Disaster Management Department, dated 28.09.2022, which provides instructions on the manner of issuance of legal heirship certificate, it is mentioned that if any information is found to be false or erroneous, the same authority can review and reissue certificate.

4. The learned counsel appearing on behalf of the third respondent would submit that it was not their intention to leave out the name of the petitioner. They admitted that the petitioner is also a brother. Therefore, there is nothing wrong in including the name of the petitioner. As a matter of fact, with reference to properties, the parties have reached certain arrangements and they did not obtain any bogus certificate and no false application was made.



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5. I have considered the rival submissions made on either side and perused the material records of the case.

6. When the learned counsel appearing on behalf the third respondent admits that the petitioner is also a brother, this Court need not further go into the question whether the legal heir certificate was willfully obtained or if it was a genuine mistake. In any event, the petitioner's name and the names of the other legal heirs if any should be included and a fresh legal heirship certificate has to be issued.

7. In view thereof, this writ petition is disposed on the following terms:-

(i) The Tahsildar, Guindy Taluk is directed to take up the representation of the petitioner dated 14.08.2024 for enquiry.

(ii) The Tahsildar, Guindy Taluk can issue notices to the petitioner as well as the respondents 3 and 4 and any other legal heirs. After conducting the enquiry, a fresh certificate shall be issued, including all the legal heirs of Mr.Champalal Rathod.



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(iii) The said exercise shall be completed within a period of six weeks from the date of the receipt/production of the website uploaded copy of this order without waiting for the certified copy of the order.

(iv) No costs.

17.02.2025

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Neutral Citation: Yes/No
nsl

To

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2. THE TAHSILDAR,
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D.BHARATHA CHAKRAVARTHY, J.

nsl



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