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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-07-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**WP No. 31873 of 2023
and WMP No. 31470 & 31471 of 2023**

Jayanthi

Represented by her Power Agent,
R.Ramachandran

Petitioner(s)

Vs

1. The District Collector,
Salem.

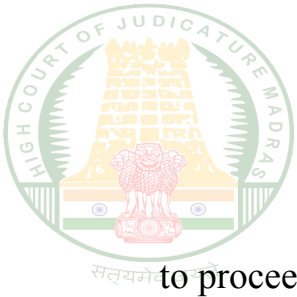
2.The Revenue Divisional Officer,
Sankagiri, Tamil Nadu - 637 301.

3.The Tahsildar,
Sankagiri, Tamil Nadu - 637 301.

4.Sivakumar,

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for
issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining



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to proceedings in Moo. Mo.1647/2023/D dated 21.07.2023 on the file of the 2nd respondent and to quash the same as being illegal, arbitrary, unconstitutional and contrary to law, further direct the 2nd respondent to issue a legal heirship certificate of Chandrappan, reflecting the name of the petitioner.

For Petitioner(s): Mr.Avinash Wadhwani Mah

For Respondent(s): Mr.T.M.Rajangam
for R1 to R3

Mr.A.Sundaravadhanan
for R4

ORDER

This writ petition has been filed challenging the impugned proceedings of the 2nd respondent dated 21.07.2023, wherein, the name of the petitioner that was included in the legal heirship certificate dated 23.11.2017, came to be cancelled by the 2nd respondent.

2.Heard Mr.Avinash Wadhwani Mah, learned counsel appearing on behalf of the petitioner, Mr.T.M.Rajangam, learned Government Advocate appearing



on behalf of respondents 1 to 3 and Mr.A.Sundaravadhanan, learned Counsel
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appearing on behalf of the 4th respondent.

3.The case of the petitioner is that she is the daughter in law of Late Chandrappan. The said Chandrappan was married to Late Rajambal and they had two children viz., Palaniappan and one Mangayarkarasi. The petitioner is the wife of the said Palaniappan and the 4th respondent is the husband of the said Mangayarkarasi. The husband of the petitioner died on 15.11.2015 and the wife of the 4th respondent died on 19.07.2001.

4.The above said Chandrappan passed away on 05.09.2017, leaving behind his wife Rajambal, the petitioner who is the daughter in law and the petitioner's daughter Nandhika as his legal heirs. Hence, based on the application submitted, a legal heirship certificate dated 23.11.2017 was issued by including the names of Rajambal, the petitioner and her daughter Nandhika as the Class I legal heirs.



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5.The grievance of the petitioner is that the 4th respondent without adding the petitioner as a party, filed W.P.No.14606 of 2023 before this Court for a direction to the 2nd respondent to cancel the legal heirship certificate granted by the 3rd respondent. This writ petition was disposed of by an order dated 05.05.2023 by directing the Revenue Divisional Officer to consider the representation and to pass orders. Thereafter, the order was passed by the 2nd respondent cancelling the legal heirship certificate without issuing notice to the petitioner or affording any opportunity. Aggrieved by the same, the present writ petition has been filed before this Court.

6.It is not necessary for this Court to go into the *inter se* dispute between the petitioner and the 4th respondent. The impugned proceedings of the 2nd respondent dated 21.07.2023, requires the interference of this Court on the simple ground that it is an order passed in violation of principles of natural justice. In the first instance, when the 4th respondent filed the earlier writ



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petition in W.P.No.14606 of 2023, even though the 4th respondent had sought for the cancellation of the legal heirship certificate that has already been issued by the Tahsildar through proceedings dated 23.11.2017, the 4th respondent did not care to add the necessary parties in the writ petition. Even when the writ petition was disposed of, this Court had did not have an occasion to inform the Revenue Divisional Officer to issue notice to the interested parties before passing the order. As a second step, when the Revenue Divisional Officer started the process of hearing the appeal, it seems that notice was sent to the petitioner through RPAD. But however, the same was returned with an endorsement “Addressee cannot be located”. Therefore, when the 2nd respondent dealt with the appeal, the petitioner was not present before the 2nd respondent and everything happened behind the back of the petitioner.

7.It is seen from records that the 4th respondent has instituted a suit in O.S.No.224 of 2023 before the District Judge, Salem, seeking for the relief of partition. In this suit, the address of the petitioner has been shown as if the



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petitioner is living at Madipakkam, Chennai. However, when the appeal was filed before the 1st respondent, the address of the petitioner is shown as BIT-2 Village, Sangagiri Circle. Therefore, there is obviously discrepancy in the address of the petitioner. The correct address of the petitioner is found in the writ petition filed before this Court.

8. In view of the above, the 2nd respondent has proceeded to pass orders which has resulted in civil consequences for the petitioner and the petitioner has not been provided adequate opportunity. Therefore, the impugned proceedings of the 2nd respondent dated 21.07.2023, is liable to be interfered by this Court and accordingly, the same is hereby quashed.

9. There shall be a direction to the 2nd respondent to rehear the appeal after issuing notice to the petitioner and the 4th respondent and the 2nd respondent shall deal with the appeal on its own merits and in accordance with law and pass orders, within a period of eight weeks from the date of receipt of copy of this



order. It is left open to the petitioner to raise all the grounds before the 2nd respondent.

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10. In the result, this writ petition stands allowed with the above directions. No Costs. Consequently, connected miscellaneous petitions are closed.

23-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

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Salem.

2.The Revenue Divisional Officer,
Sankagiri, Tamil Nadu - 637 301.

3.The Tahsildar,
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N.ANAND VENKATESH J.

SSR

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