



WEB COPY

WP No. 37556 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-07-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 37556 of 2024

and

WMP.No.40599 of 2024

J.Vimala

Petitioner(s)

Vs

1.The District Collector
Office Of The District Collector,
Coimbatore.

2.The District Revenue Officer,
Office of the District Collector,
Coimbatore.

3.The Revenue Divisional Officer,
Office of the District Collector,
Coimbatore North,
Coimbatore.

4.The Tahsildar,
Coimbatore North,
Office of the District Collector,
Coimbatore.



5.Sudhakar

WP No. 37556 of 2024



Respondent(s)

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PRAYER

Writ Petition filed under Article 226 of the Constitution of India, to call for the records of the 4th respondents' impugned order in Na.Ka.No.1103/2023/Aa4 dated 28.08.2023 and quash the same as illegal and direct the 4th respondent to re-issue the Legal heir certificate of the petitioner's deceased adoptive father to the petitioner.

For Petitioner(s): R.P.Ruban Chakramurthy

For Respondent(s): Mr.R.Neelakandan,
Additional Advocate General
Assisted by
Mr.S.J.Mohammed Sathik,
Government Advocate
for R1 to R4

Mr.P.Saravana Sowmiyan for R5

ORDER

This Writ Petition has been filed challenging the proceedings of the 4th respondent dated 28.08.2023 and for a direction to the 4th respondent to re-issue the legal heirship certificate of the petitioner's adoptive father John Sundaram.



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2. Heard Mr.R.P.Ruban Chakramurthy, learned counsel for the petitioner, Mr.R.Neelakandan, learned Additional Advocate General for the respondents 1 to 4 and Mr.P.Saravana Sowmiyan, learned counsel for the 5th respondent.

3. The case of the petitioner is that her biological father is Mr.A.Jeyakumar and he had a sister viz., Mrs.Emili Saroja. The petitioner was given on adoption to the said Emili Saroja when she was 5 years old. Thereafter, right through she was under the care and guidance of her adoptive parents. The petitioner's adoptive mother expired on 18.08.2008 and the petitioner's adoptive father died on 13.11.2009. On his demise, the petitioner applied for legal heirship certificate and the 4th respondent issued a legal heirship certificate dated 17.09.2022.

4. The grievance of the petitioner is that the 5th respondent who is the biological brother filed an objection before the 4th respondent seeking to cancel the legal heirship certificate issued in favour of the petitioner. On receipt of the



same, the impugned proceedings dated 28.08.2023 came to be issued by the 4th respondent. Aggrieved by the same, the present Writ Petition has been filed before this Court.

5. When the matter was taken up for hearing the learned Additional Advocate General produced written instructions given by the 4th respondent.

The 4th respondent has taken the following stand :

“Later on Thiru.J.Sudhakar sent an application to the 4th respondent informing that, the J.Vimala has obtained the Legal heirship certificate by producing false documents and misled the respondents. He also stated that, in this regard he has filed a O.S.No.746 of 2022 before the V Additional District Court, Coimbatore claiming that he is the adopted son of deceased and he has to be declared his adopted son and the only legal heir to the property of the deceased. Based on his complaint, report from the concerned Village Administrative Officer and the Revenue Inspector were obtained, who had conducted an enquiry in this regard. It is revealed that the complainant, V.Sudhakar is the son of the brother of Tmt.Emily Saroja, who is the wife of deceased John Sundaram Tmt.Emily Saroja is a retired teacher worked in Coimbatore Corporation School. In her Service Register, in the



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column of “Nominee” two names are entered. 1) JohnSundaram-Husban, 2) J.Vimala-Daughter. The entry of J.Vimala has been corrected by hand as overwriting. The enquiry revealed that the petitioner herein has obtained the Legal heir ship Certificate by producing false information. It is also learnt that J.Sudharkar and J.Vimala are brother and sister. ”

6. In the considered view of this Court, the 4th respondent before cancelling the legal heirship certificate ought to have issued notice to the petitioner and conducted an enquiry. Even if these rudimentary requirements are not satisfied, the impugned proceedings of the 4th respondent dated 28.08.2023 has to be interfered, since it is in violation of the principles of natural justice. In view of the same, the impugned proceedings of the 4th respondent made in Na.Ka.No.1103/2023/Aa1 dated 28.08.2023 is hereby quashed. The 4th respondent is directed to issue notice to the petitioner and the 5th respondent and conduct an enquiry and thereafter take a decision on its own merits and in accordance with law.



7. In the result this Writ Petition is allowed in the above terms. No costs.

Consequently, the connected miscellaneous petition is closed.

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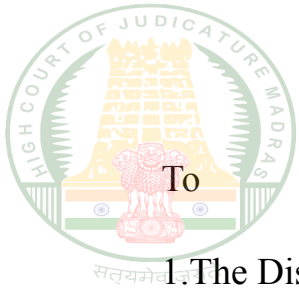
dsa

Index :Yes/No

Speaking/Non-speaking order

Internet :Yes

Neutral Citation :Yes/No



To

1.The District Collector

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Coimbatore

2.The District Revenue Officer
Office Of The District Collector,
Coimbatore

3.The Revenue Divisional Officer
Office Of The District Collector,
Coimbatore North, Coimbatore

4.The Tahsildhar
Coimbatore North, Office Of The
District Collector, Coimbatore

5.SUDHAKAR
D.No.3/448, Park Street, Nggo Colony,
Ashokapuram Post, Kurukapuram Post,
Kurudampalayam Village, Coimbatore
North Taluk, Coimbatore District



WEB COPY

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N.ANAND VENKATESH J.

dsa

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