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W.P.No.39898 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 24.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.39898 of 2024 and
WMP No.43229 and 43230 of 2024

1. T.Krishna Kumar
2. T.Vijaya Kumar

... Petitioners

Vs.

1. The District Collector,
Chennai District.
2. The District Revenue Officer,
Chennai District.
3. The Revenue Divisional Officer,
South Chennai Division, Anna Salai,
Chennai 600 032.
4. The Tahsildar, Velachery Taluk Office,
Chennai.
5. S. Rajalakshmi
6. M. Senthil

... Respondents

Prayer: Writ petition filed under Article 226 of Constitution of India
seeking for issuance of Writ of Certiorarified Mandamus, calling for



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the records relating to the impugned order dated nil. 10.2023, signed on 29.09.2023, in Na.Ka.No.A3/3811/2023 of the third respondent, quash the same and consequently direct the revenue authorities, the respondent 4, to cancel the fraudulent legal heir certificate (Ref. TN-7201907252057), dated 31.07.2019, issued at Thiruvannamiyur Village, Velachery Taluk, Chennai District, obtained by the fifth respondent, as per G.O.Ms.No.478, Revenue and Disaster Management [RA-3(2)] Department, dated 29.09.2022.

For Petitioners : Mr.R.Prabakar

For Respondent : Mr.R.Neelakandan, Addl.Adv.General

assisted by Mr.S.Balamurugan

Government Advocate for R1 to R4

No appearance for R5 and R6

ORDER

The writ petition is filed challenging the order passed by the respondent, rejecting the representation of the petitioners seeking cancellation of the legal heirs certificate obtained by the petitioners' sister namely, fifth respondent herein, suppressing the existence of the petitioners.



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2. It is the case of the petitioners that they are sons of one Thiagarajan, who died on 21.03.2009. Later, the petitioners' mother died on 13.05.2016. According to the petitioners, the fifth respondent and the petitioners are children of the deceased Thiagarajan. The fifth respondent, suppressing the existence of petitioners, obtained legal heirs certificate from the Tahsildar, as if she is the sole heir of the deceased father Thiagarajan. Since the fifth respondent obtained the legal heirs certificate behind the back of the petitioners, they submitted two representations before the respondents 3 and 4 seeking cancellation of the legal heirs certificate issued in favour of the fifth respondent, which was obtained by suppression of material facts and the same have not been considered till date. However, the third respondent, by the impugned order, rejected their representations, as it was submitted beyond the period of one year. Aggrieved by the same, the petitioners have come before this court.

3. The learned counsel for the petitioners submitted that legal heirs certificate was issued in favour of the fifth respondent, as if she was the sole legal heir, behind the back of the petitioners. After



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acquiring knowledge about the same, the petitioners immediately filed a representation before the appellate authority, seeking cancellation of the legal heirs certificate obtained by the fifth respondent by suppression of material facts. Further, the learned counsel by relying on G.O.(Ms) No. 478, Revenue & Disaster Management, Revenue Administration Wing, RA-3(2) Section, dated 29.08.2022, submits that the issuing authority is entitled to cancel the legal heirs certificate, which was obtained by furnishing false information/suppression of material facts. Therefore, he submitted that there may not be any impediment for the issuing authority to consider the representation submitted by the petitioners.

4. A perusal of G.O.(Ms) No. 478, Revenue & Disaster Management, Revenue Administration Wing, RA-3(2) Section, dated 29.08.2022, would indicate that the issuing authority is entitled to cancel the legal heirs certificate issued by him, if it is later found that the certificate was obtained by furnishing false information/suppressing of material facts. In the case on hand, the petitioners claim that they are sons of deceased. The legal heirs certificate issued by the



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authority can be challenged only from the date of knowledge.

Therefore, the reason given by the third respondent that the petitioners submitted the representation beyond the period of one year from the date of issuance of legal heirs certificate, cannot be sustained in the eye of law.

5. In view of the above, the impugned order passed by the third respondent is set aside. Since the original issuing authority himself has got power to consider the points raised by the petitioner, this court is inclined to issue a direction to the fourth respondent to consider the representation of the petitioners dated 16.08.2023 and pass final orders on its own merits, without having influenced by anything stated in this order, within a period of twelve weeks from the date of receipt of copy of the order, after affording reasonable opportunity to the petitioners as well as the fifth respondent. Since the petitioners alleged fraud and suppression of material facts by the fifth respondent, at the time of enquiry, the petitioners shall be permitted to peruse documents submitted by the fifth respondent at the time of obtaining the legal heirs certificate.



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6. With the above direction, this writ petition is allowed.. There shall be no order as to costs. Connected miscellaneous petitions are closed.

24.01.2025

Index:Yes/No
Internet:Yes/No
mst

To

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S.SOUNTHAR, J.

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