



W.P.(MD) No.1006 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD) No.1006 of 2024

A.Chandra Bose

...

Petitioner

Vs

1 The Government of Tamil Nadu,
Rep. by Principal Secretary,
Department of Adi Dravidar and Tribal Welfare Department,
Fort St. George, Chennai – 9.

2 The District Collector,
Ramanathapuram District,
Ramanathapuram.

3 The Special Tahsildar, (Land Acquisition),
Adi Dravidar and Tribal Welfare Department,
Mudukulathur,
Ramanathapuram District. ...

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records relating to the impugned order of the 2nd respondent in Na.Ka.No. 2/704/2023, dated 14.12.2023, and quash the same and consequently direct



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the 2nd respondent to disburse the amount as per the market value with interest.

For Petitioner : Mr.M.Muniasamy

For Respondents : Mr.R.Raghavendran,
Govt. Advocate.

ORDER

The petitioner has filed this Writ Petition for a writ of certiorarified mandamus, to call for the records relating to the impugned order of the second respondent in Na.Ka.No. 2/704/2023, dated 14.12.2023, and quash the same and consequently direct the second respondent to disburse the amount as per the market value, with interest.

2. The brief facts necessary for consideration of the Writ Petition are that the petitioner's adoptive father, namely, Krishnan, executed a Will in favour of the petitioner and his brother on 13.11.1991, bequeathing the property in Survey No.144/3C2, to an extent of 0.49.5 Ares. The said Will was registered on the file of Madhukulathur Sub-Registrar Office in Document No. 29/1991 in Book No.III. While so, the third respondent acquired the property for the purpose of providing house sites to landless Adi-Dravidars and an



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award was passed, determining compensation at Rs.7,181/-. Notice under Section 12 (2) of the Land Acquisition Act was also issued to the petitioner's adoptive father, directing him to collect the award amount. Though the petitioner's adoptive father approached the respondent, compensation amount was not paid to him. In the meantime, the petitioner's adoptive father filed W.P.No.63505 of 2002 for a mandamus, directing the respondents to refer the petition filed by him on 22.11.2001 to the second respondent for enhancement of compensation, and the same was allowed by this Court on 03.12.2002. As the compensation amount was not disbursed to the petitioner even after a lapse of five years and as possession was also not taken, the petitioner submitted a detailed representation to the respondent on 23.09.2016. As the said representation was not considered, the petitioner filed W.P.(MD) No. 19085 of 2016, for a direction to the respondents to reconvey the acquired lands in Survey No.144/3C2 to the petitioner. This Court, vide order, dated 03.04.2023, directed the second respondent therein to consider the petitioner's representation and pass orders on merits within a period of twelve weeks from the date of receipt of the order. Since the respondent had not complied with the said order of the Court, the petitioner filed Cont.P.(MD) No. 2255 of 2023. Thereafter, the second respondent passed the impugned order on 14.12.2023, rejecting the petitioner's representation, dated 23.09.2016, on



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the ground that the acquired lands were not mentioned in the Will and the Legal Heirship Certificate issued by the Tahsildar, vide his order dated 07.01.2011, was rejected by the Sub-Collector, Paramakudi. Aggrieved by the impugned order, the petitioner filed the above Writ Petition for the aforesaid relief.

3. Respondents filed a counter affidavit, stating that the Legal Heirship Certificate, produced by the petitioner, was a forged one and, therefore, the same was rightly cancelled by the second respondent. It was also stated that as the land owner did not come forward to receive the compensation amount of Rs.7,151/-, determined in Award No.3/93/94, dated 09.02.1994, the same was kept under Civil Deposit/Revenue Deposit in Sub-Treasury Office, Muthukuladhur. According to the respondents, the land owner Krishnan had no issues and his wife, who was the sole legal heir, also died subsequently. On the basis of the directions issued by this Court in W.P. (MD) No.19085 of 2016, the third respondent issued notice to the petitioner on 26.05.2023, to submit documents to establish his title over the property along with legal heirship certificate. On enquiry, it was found that the legal heirship certificate, produced by the petitioner, was fraudulent, inasmuch as the petitioner was not the grandson of late Krishnan, but he was only his son-in-law. As the legal heirship certificate of the petitioner was a fraudulent one, the



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same was cancelled by the Sub-Collector, Paramakudi, on 13.12.2023. The respondents submitted that the petitioner's claim was rightly rejected, as the legal heirship certificate, produced by the petitioner, was forged and the same was also cancelled. Even the Will, produced by the petitioner, did not refer to the acquired property and, therefore, the petitioner's representation was rejected. The respondents, therefore, submitted that the petitioner was bound to establish his title before the civil court and, thereafter, approach the respondents for compensation amount and other reliefs. Accordingly, the respondents submitted that there were no merits in the Writ Petition and it deserved to be dismissed.

4. Learned counsel for the petitioner submitted that the second respondent did not appreciate the Will, dated 13.11.1991, properly. Had the respondent considered the same properly, the respondent would have seen that the acquired property was covered under the Will. The learned counsel submitted that there was total non-application of mind by the second respondent in construing the Will and, therefore, the reasons cited in the impugned order for rejecting the petitioner's representation were invalid and untenable. Learned counsel further submitted that cancellation of legal heirship certificate, issued by the Tahsildar, was done without notice to the petitioner and in violation of the order, dated 14.12.2023, passed by this



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Court in W.P.(MD) No.1954 of 2024. The counsel, therefore, submitted that even without conducting the enquiry as directed by this Court, the second respondent rejected the petitioner's claim on the basis of invalid cancellation of the legal heirship certificate. Hence, the counsel prayed to allow the Writ Petition.

5. Learned Government Pleader reiterated the submissions made in the counter and submitted that the petitioner had produced a forged document and therefore the representation of the petitioner was rightly rejected by the second respondent. The counsel further submitted that for want of proper legal heirship certificate and in the absence of any reference to the acquired lands in the Will, the petitioner's representation was rightly rejected. Accordingly, he prayed for dismissal of the Writ Petition.

6. I have heard the learned counsel for the parties and also perused the materials available on record.

7. It is seen that, in the impugned order, two reasons are cited for rejecting the petitioner's representation for disbursement of compensation. They are, (1) petitioner's legal heirship certificate was cancelled by the second respondent, and (2) Will, relied upon by the petitioner, did not include the acquired lands in Survey No.144/3C2. It is further seen that the petitioner obtained legal heirship certificate on 07.01.2011, from the Tahsildar wherein,



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the petitioner was referred to as grandson of the deceased Krishnan. Even according to the petitioner, the petitioner was the adopted son of the deceased Krishnan. If so, the petitioner ought to have been referred to as the son and not the grandson of Krishnan, in the legal heirship certificate. Be that as it may, the legal heirship certificate was cancelled by the second respondent, vide proceedings, dated 14.12.2023. In W.P.(MD) No.1954 of 2024, dated 01.02.2024, this Court found that cancellation of legal heirship certificate was done without notice and without affording an opportunity of hearing to the petitioner. This Court, therefore, directed the authorities to conduct proper enquiry, find out the facts regarding issuance of legal heirship certificate and thereafter pass appropriate orders on the representation of the petitioner, dated 23.01.2024, on merits within a period of twelve weeks. Admittedly, the said exercise was not done by the respondents. Even the petitioner, for the reasons best known to him, had not pressed for compliance of the aforesaid order of this Court. Therefore, as on date, the legal heirship certificate, issued by the Tahsildar, stands cancelled, and the said cancellation is not set aside. The second respondent is right in stating that the petitioner has not been able to establish that he is the legal heir of the deceased Krishnan, as the legal heirship certificate produced by him was found to be forged and hence cancelled.



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8. As for the second ground of rejection, it is seen from the Will, which is produced in the typed set of papers, that there is no reference to the acquired properties in the schedule of properties, bequeathed by the testator. One of the documents referred to therein is Document No.2093, dated 06.12.1983. In the Additional Typed Set of Papers, filed by the petitioner, the Document No.2093 of 1983 is dated 31.10.1983, but, in the Will, the said document is dated 06.12.1983. There is discrepancy in the date of the document. In the document produced by the petitioner, there is a reference to Survey No.144/3C and the total extent of the said survey number is given as 1.25 acres, which, according to the petitioner, is equivalent to 0.49.5 Ares, which extent was acquired. But, in the Will, the survey number is given as 144/3C2. The petitioner has not been able to establish the correlation between the two survey nos.144/3C and 144/3C2. Even otherwise, there is a discrepancy in the date of the sale deed. While in the Will the said deed is dated 06.12.1983, in the document, it is dated 31.10.1983. As the petitioner has not been able to establish that he is the legal heir of the deceased Krishnan and also that the subject property was bequeathed to him under the Will, the second respondent, in my considered opinion, rightly rejected the petitioner's representation. I, therefore, do not find any infirmity or illegality in the impugned order, passed by the second respondent.



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9. Writ Petition is, accordingly, dismissed. No costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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Rep. by Principal Secretary,
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N.MALA, J.

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