



W.P.(MD)No.3676 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.3676 of 2025

1.Shanmugaguruvu
2.Kandasubbu Ammal

... Petitioners

VS.

1.The District Collector,
Tenkasi District, Tenkasi.

2.The Revenue Divisional Officer,
Sankarankovil Town, Tenkasi District.

3.The Tahsildar,
Office of the Tahsildar,
Sivagiri Taluk, Tenkasi District.

4.The Revenue Divisional Inspector,
Station at Koodaloor Village,
Sivagiri Taluk, Tenkasi District.

5.The Village Administrative Officer,
Thenmalai Village,
Sivagiri Taluk, Tenkasi District.

6.Ramasubramaniam
7.Anithakanagalakshmi

... Respondents



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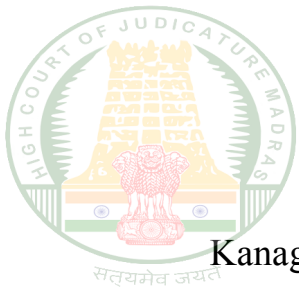
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second respondent herein to cancel the death certificate of Jeyamurugan, dated 28.07.2012 and legal heirship certificate, dated 07.03.2016 by considering our representation, dated 02.10.2024 and 20.01.2025 within a stipulated to be fixed by this Court.

For Petitionerd	:Mr.M.Thirunavukkarasu
For R1 to R5	:Mr.G.Surya Ananth Additional Government Pleader
For R6 and R7	:Mrs.A.Devaki

ORDER

The petitioners seek a Writ of Mandamus to direct the second respondent to cancel the death certificate issued in the name of one Jeyamurugan, dated 28.07.2012 and the legal heirship certificate, dated 07.03.2016 and for consequential orders.

2.The case of the petitioners is that they were born to one Chelliah Thevar and Mariammal. Both their parents are no more. Apart from the petitioners, the couple, Chelliah Thevar and Mariammal had brought forth into this world, Jeyamurugan and Ramasubramaniam. Ramasubramaniam is the sixth respondent. His wife Anitha



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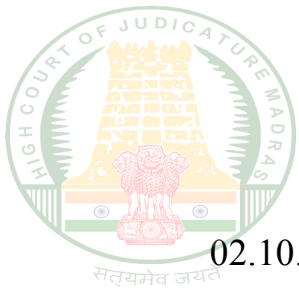
Kanagalakshmi is the seventh respondent.

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3.Jeyamurugan died unmarried on 17.08.2020. His death was registered by the petitioners on 19.08.2020. They also obtained a death certificate from Thenmalai Panchayat on 31.08.2020.

4.The petitioners plead that the younger brother, Ramasubramaniam with active assistance of the revenue department, obtained a death certificate, as if Jeyamurugan had passed away on 22.07.2012. The sixth respondent obtained a certificate to that effect on 28.07.2012. He also obtained a legal heirship certificate, dated 07.03.2016 to the effect that the only legal heir to the deceased Jeyamurugan was himself. On the strength of these documents, the sixth respondent Ramasubramaniam executed a settlement deed in favour of his wife, Anitha Kanagalakshmi with respect to the property, which belongs to the family.

5.On coming to know of these facts, the petitioners submitted a representation to the Revenue Divisional Officer, Sankarankovil, on

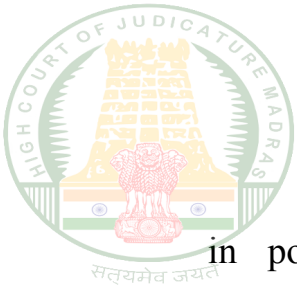


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02.10.2024. The District Collector, Tenkasi, was also intimated about the false death certificate and the consequential legal heirship certificate obtained by the sixth respondent. The District Collector directed his subordinates to initiate an enquiry and submit a report. As no action was taken thereafter, the petitioners have come forward with this Writ Petition.

6. When the matter came up for admission, Mr.G.Suriya Ananth, learned Additional Government Pleader, took notice on behalf of respondents 1 to 5 and notice was issued to the respondents 6 and 7. Summons were served on the respondents 6 and 7 and Mrs.A.Devaki entered appearance on their behalf. She pleaded that she required time to get instructions and therefore, I adjourned the matter. Mr.G.Suriya Ananth, too stated that he will get written instructions from his clients.

7. When I took up the matter for hearing on 27.02.2025, yet again, Mrs.A.Devaki sought time on behalf the respondents 6 and 7. In order to accommodate the Counsel, I adjourned the matter. Yet again, when the matter was called today, Mrs.A.Devaki, represents that her clients are not



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in possession of the original certificates, dated 28.07.2012 and 07.03.2016 and she sought for time.

8.Mr.G.Suriya Ananth has produced the written instructions from the Tahsildar, Sivagiri in SVGREV/1719/2024-B2, dated 17.02.2025. On the basis of this instructions, Mr.G.Suriya Ananth urges that the documents, which the petitioners seek cancellation, were never issued by the Office of the Tahsildar, Sivagiri Taluk and that they are fabricated documents. He has also produced his office copy of the counter affidavit filed by the respondents 6 and 7, whereunder, they had stated that the respondents 6 and 7 had approached one Kumari Anandhan, son of Viswanathan residing at Mangudi Village, Sankarankovil Taluk, Tenkasi District for the purpose of obtaining death certificate and legal heirship certificate for Mr.Jeyamurugan. The respondents 6 and 7 pleaded that they are innocents and the documents were prepared by the land broker. Hence, they plead that the mistake committed by them may be condoned and they are ready to abide by any order, that may be passed by this Court.



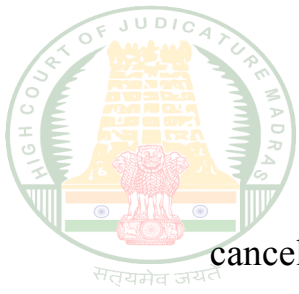
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9.I have carefully considered the submission of all sides.

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10.Here is a case where, one brother has fabricated Government records to show as if he is the sole surviving legal heir of his deceased brother, Jeyamurugan. The respondents 6 and 7 cannot plead that the entire fabrication was at the hands of a land broker. The sixth respondent is obviously aware that his parents had three other children, apart from himself, namely, the petitioners and Jeyamurugan. Despite the same, in order to put the property situated in S.Nos.967/2U and 967/2X beyond the reach of the Writ Petitioners, the sixth respondent had settled the property in favour of his wife, the seventh respondent.

11.The question of cancellation of the two documents, dated 22.07.2012 and 07.03.2016, does not arise, because they had not been issued by the Office of the Tahsildar, Sivagiri. An official proceeding issued can be recalled on the ground of fraud, if the same is proved to the satisfaction of the authority or the Court. A document, which is fabricated, can obviously not be cancelled. It does not exist in the eye of law. Therefore, the two documents, which the petitioners seek



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cancellation, namely, the death certificate, dated 28.07.2012 and the legal heirship certificate, dated 07.03.2016, have no validity in the eye of law.

Hence, they cannot be utilised by the respondents 6 and 7 for any purposes including defending the partition suit in O.S.No.229 of 2024 on the file of the District Court at Tenkasi. The mere declaration of fabrication would not be sufficient.

12.The respondents 6 and 7 have fabricated a Government records. This requires penal action to be initiated against them. They cannot shift the blame to a land broker named in paragraph No.2 of the counter affidavit filed by them. Apart from declaring these documents as invalid, I am also inclined to direct the third respondent to initiate appropriate criminal proceedings as against the respondents 6 and 7 and the land broker mentioned in paragraph No.2 of the counter affidavit filed by the respondents 6 and 7. The first respondent/District Collector, shall ensure that the direction given is complied with strictly by the third respondent.

13.With the above directions, the Writ Petition is disposed of. No



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costs.

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14.Post the matter for compliance on 26.03.2025.

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

05.03.2025

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To

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Tenkasi District, Tenkasi.

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V. LAKSHMINARAYANAN, J.

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