



W.P.(MD)No.4107 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.4107 of 2025

and

W.M.P.(MD)Nos.2950, 2952, 2954 of 2025

Velu

... Petitioner

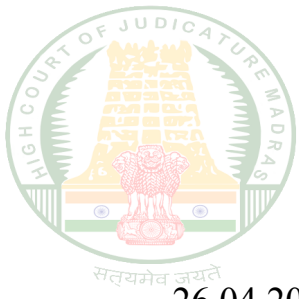
-VS-

- 1.The District Collector,
Sivagangai District.
- 2.The Revenue Divisional Officer,
Sivagangai, Sivagangai District.
- 3.The Tahsildar,
Manamadurai, Sivagangai District.
- 4.The Sub Registrar,
Manamadurai SRO, Sivagangai District.
- 5.Raakku @ Raakkammal

6.Palaniyammal

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned legal heir certificate made in Certificate No.TN-7202304111693, dated



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26.04.2023, issued by the third respondent and quash the same as illegal and consequently, direct the third respondent to issue fresh legal heir certificate along with the other legal heirs, including the petitioner.

For Petitioner : Mr.A.K.Manikkam
For R1 to R3 : Mr.J.K.Jayaselan
Government Advocate
For R4 : Mr.P.T.Thiraviam
Government Advocate

ORDER

This writ petition has been filed seeking to quash the impugned Legal Heirship Certificate in Certificate No.TN-7202304111693, dated 26.04.2023, issued by the third respondent and consequently, to direct the third respondent to issue a fresh legal heir certificate along with the other legal heirs, including the name of the petitioner.

2. With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.



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3. Since no adverse orders are going to be passed against the respondents 5 and 6, notice to the respondents 5 and 6 is hereby dispensed with.

4. The learned counsel for the petitioner submits that the petitioner's paternal grandfather, the late Kilava Kudumban, had three sons, namely, Uran, Chinnapaiyan and Arumuga Kudumban. The first son, Uran, had one daughter, Ramayee and one son, Velu / the petitioner herein. The second son, Chinnapaiyan, had only one daughter, Rakku @ Rakkammal / the fifth respondent herein. The third son, Arumuga Kudumban, married Alagammal and both have died without issues. The lands in S.Nos.34/12A, 37/4B, 41/3, 56/5, 56/6, 64/3A, and 73/2B in Maanampaaki Village, Manamadurai Taluk, Sivagangai District, belonged to the petitioner's paternal uncle, Arumuga Kudumban and were registered under Patta No.40. After the demise of Arumuga Kudumban on 10.05.1994, no changes were made to the ownership or records related to the properties under Patta No.40.

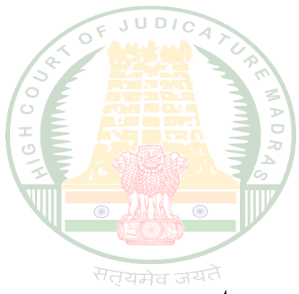
5. The learned counsel further submits that the petitioner, in an effort to claim the Legal Heirship Certificate for his paternal uncle, submitted a petition to the second respondent on 08.02.2022. The second respondent, through



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proceedings dated 24.02.2022, directed the third respondent to conduct an enquiry and submit a detailed report. However, instead of conducting a proper enquiry, the officials recommended the name of the fifth respondent as the legal heir of Arumuga Kudumban. On 26.04.2023, the third respondent issued a Legal Heirship Certificate in the name of the fifth respondent. On coming to know about the same, the petitioner submitted a representation on 25.06.2024 to the respondents 1 to 3, about the wrong issuance of the Legal Heirship Certificate in the name of the fifth respondent. Despite the same, no action has been taken. Upon further enquiry, the petitioner also came to know that the officials had colluded with the fifth respondent and fraudulently issued the Legal Heirship Certificate in the fifth respondent's name. Hence, the petitioner has approached this Court with the present Writ Petition, seeking appropriate remedies for the fraudulent issuance of the Legal Heirship Certificate.

6. Mr.J.K.Jayaselan, learned Government Advocate appearing for the respondents 1 to 3 submits that as per Circular No.11/2017, dated 09.08.2017, issued by the Principal Secretary, Commissioner of Revenue Administration, if any legal heir disputes the issuance of a Legal Heirship Certificate, the aggrieved



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party must first file an appeal petition before the respective Revenue Divisional Officer (RDO), within a period of one year from the date of issuance of the Certificate, for making alterations, corrections, deletions or inclusions in the Legal Heirship Certificate. However, the petitioner, without invoking the appropriate appellate remedy, has directly approached this Court.

7. The learned Government Advocate further submits that the proper course of action for the petitioner would be to file an appeal before the RDO to resolve the dispute regarding the Legal Heirship Certificate issued to the fifth respondent.

8. Recording the submission made by the learned Government Advocate that the petitioner is having an appeal remedy before the second respondent / Revenue Divisional Officer, this Writ Petition is disposed of with liberty to the petitioner to approach the second respondent and raise all the grounds raised in this Writ Petition in the appeal. In the event, if any appeal is filed within a period of one month from the date of receipt of a copy of this order, the same shall be entertained by the second respondent / Revenue Divisional Officer without insisting the period of limitation and disposed of in accordance with law, within a



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period of one month thereafter. There shall be no order as to costs. Consequently,
connected Miscellaneous Petitions are closed.

NCC : Yes / No
Index : Yes / No
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To:-

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