



W.P.(MD)No.4570 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.4570 of 2025

Gangadevi

... Petitioner

-VS-

1.The District Collector,
Sivagangai.

2.The Revenue Divisional Officer,
Sivagangai.

3.The Thasildar,
Devakottai Taluk Office, Devakottai.

4.Chitra

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to conduct enquiry based on the representation of the petitioner dated 23.12.2024 and thereby, cancel the legal heir certificate issued in favour of the fourth respondent herein, in certificate No.TN-7202211152646, dated 30.11.2022.

For Petitioner : Mr.J.Madhu

For R1 to R3 : Mr.C.Venakeshkumar
Special Government Pleader



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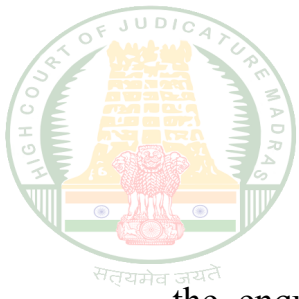
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ORDER

This Writ Petition has been filed seeking a direction to the third respondent to conduct an enquiry based on the representation of the petitioner, dated 23.12.2024 and thereby, cancel the legal heirship certificate issued in favour of the fourth respondent herein, in Certificate No.TN-7202211152646, dated 30.11.2022.

2. With the consent of both sides, this Writ Petition is disposed of, at the admission stage itself.

3. The learned counsel for the petitioner submits that the petitioner married one Densing and her parents passed away in 2011 and 2012, respectively. After their demise, she and her brother obtained a legal heirship certificate. Subsequently, her unmarried brother passed away in 2015 and upon his death, the entire property devolved to the petitioner. In 2021, the petitioner executed a settlement deed in favour of her husband. In these circumstances, the second respondent issued a notice for an enquiry regarding the cancellation of the Patta, based on a representation made by the fourth respondent. During the pendency of



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the enquiry proceedings, the fourth respondent fraudulently obtained a legal heirship certificate from the third respondent, claiming to be the wife of the petitioner's brother, after seven years of his death from the third respondent. On coming to know about the same, the petitioner submitted a representation to respondents 1 and 3, requesting to cancel the legal heirship certificate issued to the fourth respondent. However, no action has been taken so far. Hence, the petitioner has filed the present Writ Petition.

4. The learned Special Government Pleader appearing for the respondents submits that, against the order passed by the Tahsildar, the petitioner has an appellate remedy before the second respondent within a period of one year from the date of issuance of the certificate or rejection of the application, as per Clause 7(1) of the guidelines issued by the Principal Secretary to Government in the Annexure to G.O.(Ms)No.478, Revenue and Disaster Management [RA-3(2)] Department, dated 29.09.2022. However, instead of invoking the appeal remedy, the petitioner has directly approached this Court.



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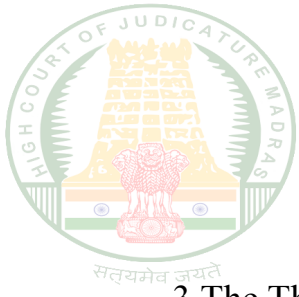
5. Recording the submission made by the learned Special Government Pleader that the petitioner is having an appeal remedy before the second respondent as per Clause 7(1) of the guidelines issued by the Principal Secretary to Government in the Annexure to G.O.(Ms)No.478, Revenue and Disaster Management [RA-3(2)] Department, dated 29.09.2022, 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 two weeks from the date of receipt of a copy of this order, the second respondent shall entertain the appeal and dispose of the same in accordance with law, within a period of two months thereafter. There shall be no order as to costs.

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

- 1.The District Collector,
Sivagangai.
- 2.The Revenue Divisional Officer,
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3.The Thasildar,
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VIVEK KUMAR SINGH, J.

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