



W.P.(MD)No.7545 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.7545 of 2025

Muneeswaran

... Petitioner

-VS-

1.The District Revenue Officer,
Tenkasi, Tenkasi District.

2.The Revenue Divisional Officer,
Kadayanallur, Tenkasi District.

3.Devakumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the order dated 04.02.2025 passed by the second respondent vide RDOTKS/5153/2023-B2 and quash the same as illegal.

For Petitioner : Mr.J.Leo Daniel Kavın

For R1 and R2 : Mr.C.Venakesh Kumar
Special Government Pleader



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ORDER

This Writ Petition has been filed seeking to quash the order passed by the second respondent, dated 04.02.2025.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. Since no adverse orders are going to be passed against the third respondent, notice to the third respondent is hereby dispensed with.

4. The learned counsel for the petitioner submits that initially, the petitioner's father, Vellaisamy, married Selvi, the mother of the third respondent, on 07.04.1985. However, the said Selvi was already married to one Sivagnanam, and their marriage had not been dissolved. When the petitioner's father questioned the same, the said Selvi left the home. Subsequently, the marriage between the petitioner's father and Selvi was dissolved on 27.03.1987. Thereafter, the petitioner's father married Mariammal, the petitioner's mother and they led a peaceful matrimonial life. The petitioner's father passed away on 06.02.2011, leaving behind the petitioner, the petitioner's mother and the petitioner's sister as



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his legal heirs. After his demise, they applied for legal heirship certificate and obtained the same. Subsequently, based on a petition received from one Devakumar, who also claims to be the petitioner's father's son, the Revenue Divisional Officer, Kadayanallur (the second respondent herein), vide proceedings dated 04.02.2025, cancelled the legal heirship certificate issued on 18.08.2017 on the ground that the petitioner's mother had concealed the judgment and decree passed in O.S. No. 26 of 2016, dated 01.09.2016 and obtained the legal heirship certificate dated 18.08.2017. Challenging the said proceedings, the petitioner has come forward with the present Writ Petition.

5. The learned Special Government Pleader appearing for the respondents 1 and 2 submits that, against the order passed by the Revenue Divisional Officer/second respondent herein, the petitioner has a revisional remedy before the District Revenue Officer / first respondent within a period of one year from the date of passing of the order in appeal, as per Clause 7(2) 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 said revisional remedy, the petitioner has directly approached this Court.



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6. Recording the submission made by the learned Special Government Pleader that the petitioner is having a revisional remedy before the first respondent as per Clause 7(2) 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 first respondent and raise all the grounds raised in this writ petition in the revision. In the event, if any revision is filed within a period of two weeks from the date of receipt of a copy of this order, the first respondent shall entertain the revision and dispose of the same on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, the third respondent as well as all other persons, who may be interested in the subject matter, within a period of three months thereafter. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the first respondent to consider the same on its own merits. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
smn2

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VIVEK KUMAR SINGH, J.

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