



W.P.(MD)No.8138 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.8138 of 2025

Subburaj

... Petitioner

-VS-

- 1.The Revenue Divisional Officer,
Sathur Revenue Divisional Office,
Sathur, Virudhunagar District.
- 2.The Tahsildar,
Vembakottai Taluk Office, Vembakottai,
Virudhunagar District.
- 3.The Village Administrative Officer,
Village Administrative Office,
Sippiparai Village, Vembakottai Taluk,
Virudhunagar District.
- 4.Seeniyammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent in Application No.TN-7202503062452 dated. nil and quash the same as illegal and



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consequently, direct the second respondent to issue the legal heir certificate of deceased Seeni Naickar, son of Seeni Naicker, based on the petitioner's application in TN-7202503062452, dated 06.03.2025, to the petitioner and other legal heirs within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.P.Ponraj

For R1 to R3 : Mr.C.Venakesh Kumar
Special Government Pleader

ORDER

This Writ Petition has been filed seeking to quash the impugned order passed by the second respondent dated. nil and a consequential direction to the second respondent to issue the legal heir certificate of the deceased Seeni Naickar, S/o.Seeni Naicker, based on the petitioner's application in TN-7202503062452, dated 06.03.2025.

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 fourth respondent, notice to the fourth respondent is hereby dispensed with.



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4. The learned counsel for the petitioner submits that the petitioner made an application on 06.03.2025, seeking issuance of a legal heirship certificate for his deceased father. However, the second respondent, without conducting a fair enquiry or providing an opportunity to the petitioner, passed the impugned order, rejecting the petitioner's application, on the ground that the fourth respondent has raised an objection.

5. The learned Special Government Pleader appearing for the respondents 1 to 3 submits that, against the order passed by the Tahsildar/second respondent herein, the petitioner has an appeal remedy before the Revenue Divisional Officer/first respondent herein within a period of one year from the date of issuance / 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 said appeal remedy, the petitioner has directly approached this Court.



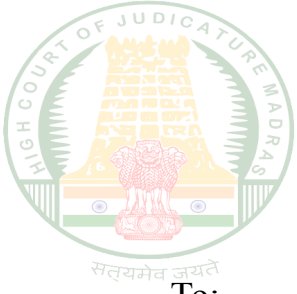
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6. Recording the submission made by the learned Special Government Pleader that the petitioner is having an appeal remedy before the first respondent herein as per Clause 7(1) of the guidelines issued by the Principal Secretary to Government in the 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 appellate authority 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 appellate authority shall entertain the appeal 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 fourth 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 appellate authority to consider the same on its own merits. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
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