



W.P.(MD).No.12622 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.12622 of 2025

K.Karthikeyan

... Petitioner

-VS-

1. The District Collector,
O/o, the District Revenue Officer,
Sivagangai District, Sivagangai.

2. The Revenue Divisional Officer,
O/o, the Revenue Divisional Officer,
Sivagangai District, Sivagangai.

3. The Tahsildar,
O/o. the Tahsildar,
Kalayarkovil Taluk,
Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 2nd respondent vide Oa.Mu.Aa.1/3623/2022 dated 22.02.2023 and quash the same also giving proper opportunity to the petitioner.



WEB COPY



W.P.(MD).No.12622 of 2025

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.K.S.Selva Ganesan

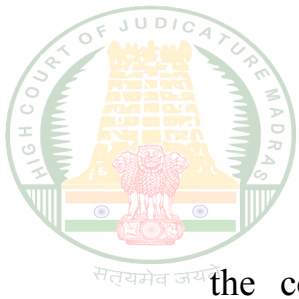
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned order passed by the 2nd respondent vide Oa.Mu.Aa.1/3623/2022 dated 22.02.2023.

2. By consent of both parties, this writ petition is disposed at the stage of admission itself.

3. The property in S.NO.373/3 situated in Kathaiyapillai Street, Kalayarkovil, originally belonged to one Palanisamy, who died in the year 1990 leaving behind five sons and one daughter as his legal heirs. After a period of 29 years, three legal heirs fraudulently obtained legal heirship certificate without adding three other legal heirs, namely, late Shanmugam and her wife Santha, Ramalingam and Chidambaram. The petitioner made a representation before the concerned Village Administrative Officer in this regard and the Village Administrative Officer and the Thasildar, after conducting enquiry, has recommended that the said legal heirship certificate be cancelled due to suppression of material facts and the matter stood before



W.P.(MD).No.12622 of 2025

WEB COPY

the concerned Revenue Divisional Officer, before whom the petitioner appeared for enquiry and stated that the legal heirship certificate issued on 08.03.2019 was on false information. However, the second respondent rejected the petitioner's representation on the reason that it was filed beyond one year from the date of issuance of the legal heirship certificate. Challenging the same, this writ petition has been filed.

4. The learned counsel appearing for the petitioner submits that due to covid-19 pandemic situation, the petitioner could be able to file his representation only on 10.07.2021 and the second respondent, without affording any opportunity of hearing, passed the impugned order and hence, the impugned order is liable to be set aside.

5. Heard the learned counsel on either side and perused the materials placed before this Court.

6. On perusal of the records, it is seen that there has been suppression of material facts and hence, the matter has to be enquired. Further, no opportunity of hearing was afforded to the petitioner and hence, the delay mentioned in the impugned order by the second respondent is condoned and



W.P.(MD).No.12622 of 2025

the matter is remitted back to the second respondent for a fresh consideration.

WEB COPY

The second respondent is directed to consider the case of the petitioner within a period of two months from the date of receipt of a copy of this order.

7. With the above observations and directions, the Writ Petition stands disposed of. There shall be no order as to costs.

29.04.2025

NCC : Yes/No
Index : Yes / No
sm



W.P.(MD).No.12622 of 2025

WEB CUTO:-

1. The District Collector,
O/o, the District Revenue Officer,
Sivagangai District, Sivagangai.
2. The Revenue Divisional Officer,
O/o, the Revenue Divisional Officer,
Sivagangai District, Sivagangai.
3. The Tahsildar,
O/o. the Tahsildar,
Kalayarkovil Taluk,
Sivagangai District.



WEB COPY



W.P.(MD).No.12622 of 2025

VIVEK KUMAR SINGH, J.

sm

Order made in
W.P.(MD)No.12622 of 2025

Dated:
29.04.2025