



W.P.(MD)No.11457 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.11457 of 2025

1.Muthuraja

2.Vasanthi

... Petitioners

-VS-

1.The Sub Collector / Revenue Divisional Officer,
Trichy, Trichy District.

2.S.Kulanthai Theresa

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to cancel the legal heirship certificate issued in Pa.Mu.No.1322/2018 (A3), dated 13.03.2018, on the file of the Tahsildar, Thiruverumbur, by considering the petitioner's representation dated 28.02.2025.

For Petitioners : Mr.A.Arun Ramnath
for M/s.Spicy Law Firm

For R1 : Mr.J.K.Jayaselan
Government Advocate



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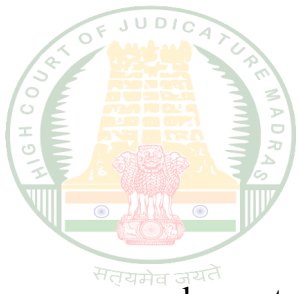
ORDER

This Writ Petition has been filed seeking a direction to the first respondent to cancel the legal heirship certificate issued in Pa.Mu.No.1322/2018 (A3), dated 13.03.2018, on the file of the Tahsildar, Thiruverumbur, by considering the petitioner's representation dated 28.02.2025.

2. By consent, this Writ Petition is disposed of, at the admission stage itself.

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

4. The petitioners, who are brother and sister, were adopted by their father's brother, C.Kannan. All records, including school records, reflect C.Kannan as the petitioners' father. The petitioners' biological father had also executed a Will bequeathing his properties to the petitioners and other relatives. In the Will, he specifically stated that the petitioners are his adopted children. The petitioners' adopted father was advised to undergo a kidney transplantation and the second respondent came forward to donate her kidney. Since the regulations require the

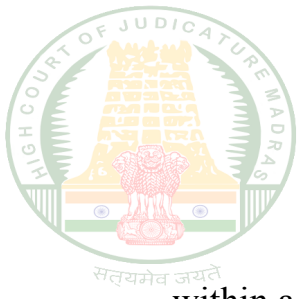


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donor to be a family member, a marriage was registered between the petitioners' father and the second respondent. However, after the marriage registration, the second respondent refused to donate her kidney. After the death of the petitioners' adopted father, the second respondent misused the marriage registration certificate and obtained a legal heirship certificate, claiming to be the only legal heir. The petitioners came to know about the legal heirship certificate and submitted a representation to the first respondent on 28.02.2025. However, there was no affirmative action taken by the respondent. Hence, this Writ Petition.

5. Heard the learned counsel appearing for the parties.

6. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of the India and direct them to consider the same



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within a stipulated time.

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7. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioners' representation dated 28.02.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioners, the second respondent, as well as all other persons, who may be interested in the subject matter, within a period of eight weeks from the date of receipt of a copy of this order. 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.

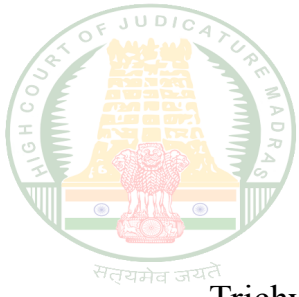
8. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

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

The Sub Collector / Revenue Divisional Officer,



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Trichy, Trichy District.

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