



W.P(MD)No.13786 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13786 of 2024

and

W.M.P.(MD)Nos.12131 & 15061 of 2024

1.V.Ilavarasi

2.V.Ramanathan

3.V.Thillaikkarasi

4.V.Mathumalar

... Petitioners

Vs.

1.The District Revenue Officer,
District Collectorate Office,
Sivagangai,
Sivagangai District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Devakottai,
Sivagangai District.

3.Kalyanakumar

4.V.Chandra
(R4 is impleaded vide order dated 24.07.2024
in W.M.P.(MD)No.13991 of 2024 by GRSJ)

... Respondents



W.P(MD)No.13786 of 2024

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records on the file of the 1st respondent pertaining to its proceeding in MU.MU.B5/41661/2022 dated 15.05.2024 and to quash the same as illegal.

For Petitioners : Mr.B.Arunprasanth

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader
for R1 & R2

: Mr.G.Thalaimutharasu
for R3

: Mr.M.Karthikeya Venkatachalapathy
for R4

ORDER

Heard both sides.

2. One Thiru.K.Veerachamy was a resident of Devakottai. He was working as revenue inspector. He got married to one Lalitha. Through the said wedlock, the petitioners herein were born. Lalitha passed away on 22.04.1984. Thereafter, Veerachamy married the fourth respondent herein V.Chandra in the year 1985. It is admitted that through the said wedlock, a male child namely Sornalingam was born in the year 1987. Difference of opinion arose between



W.P.(MD)No.13786 of 2024

Veerachamy and Chandra and the matrimonial strain became unbearable.

Chandra left the matrimonial home thereafter. According to the writ petitioners, a registered divorce deed was executed on 30.07.1992 and it was registered as Document No.76 of 1992 on the file of the SRO, Devakottai. Chandra was given permanent alimony of Rs.5,000/- and a property measuring 79 cents was also given to Chandra and it was settled in the name of Sornalingam. According to the writ petitioners, Chandra got married to another person by name Raja S/o.Ayyakannu and that Chandra was not heard of ever since.

3. Thiru.Veerachamy is said to have executed a registered Will dated 05.03.1993. It was registered as Document No.9 of 1993. As per the said Will, the properties set out in the Will were bequeathed in favour of the writ petitioners. Veerachamy is said to have clarified that neither Chandra nor Sornalingam will have any right whatsoever in the said assets. Veerachamy passed away on 13.05.2009. The writ petitioners obtained legal heir certificate showing them as legal heirs of the deceased Veerachamy. Subsequently, when the third respondent came to know of the same, he filed petition before the RDO, Devakottai and wanted his name also to be included as legal heir. His request was rejected. Challenging the same, Kalyanakumar (3rd Respondent herein) filed W.P.(MD)No.14626 of 2020. The writ petition was allowed by



W.P(MD)No.13786 of 2024

me vide order dated 15.07.2022 in the following terms.:-

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“2. The petitioner's father, namely, K.Veerassamy, got married to one Lalitha and through the said wedlock, he begot the respondents 3 to 6. The said Lalitha is said to have passed away on 22.04.1984. Thereafter, the petitioner's father, K.Veerassamy, got married to one Chandra on 15.11.1985. A child, by name, Sornalingam, was born on 15.06.1987. The said K.Veerassamy passed away on 13.05.2009.

3. The grievance of the petitioner is that the children born through the first wife obtained Legal Heirs Certificate, as if they alone are the legal heirs. The same was questioned by the petitioner before the Revenue Divisional Officer, Devakottai. By the impugned order, the first respondent held that there is no scope for the Revenue Divisional Officer to issue Legal Heirs Certificate by including the names of Class II legal heirs. The said order, dated 16.09.2020, is put to challenge in the present Writ Petition.

4. The impugned order is liable to be set aside on a short ground. The specific case of the petitioner is that he is Class I legal heir. There is no dispute that the said Lalitha, who is the first wife of K.Veerassamy, had passed away on 22.04.1984. Veerassamy's marriage with Chandra took place only on 15.11.1985. Whether the said Chandra's relationship with Veerassamy was dissolved in the manner known to law and whether the petitioner herein was the person, who was born on 15.06.1987, are matters for enquiry. Instead of focusing his attention on the actual issues thrown up for enquiry, the first respondent had misdirected himself and proceeded on the footing that the petitioner in his capacity as a Class II legal heir is asking his name to be included in the Legal Heirs Certificate. The whole approach of the first respondent is incorrect. On that ground, the impugned order stands quashed. The Writ Petition is allowed and the matter is remitted back to the first respondent to pass orders afresh in accordance with law. The first respondent shall issue notice to the petitioner as well as the private respondents herein and thereafter, pass final order. The entire exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.”



W.P(MD)No.13786 of 2024

Pursuant to the said direction, the RDO conducted fresh enquiry and issued the revised legal certificate including the names of the writ petitioners herein and the third respondent herein as his legal heirs. Aggrieved by the same, the writ petitioners herein filed revision before the DRO, Sivagangai. The DRO, Sivagangai vide proceedings dated 15.05.2024 dismissed the revision petition and confirmed the order passed by the RDO. Challenging the same, this writ petition came to be filed.

4. Shri.Arunprasanth, learned counsel representing the writ petitioners reiterated all the contentions set out in the affidavit filed in support of the writ petition. Mrs.Thillaikkarasi / P3 herein who happens to be a practising lawyer also appeared in person and advanced her argument and contended that the order of the RDO will have to be set aside and that the name of the third respondent has to be excluded. Her contention is that while conceding that a male child Sornalingam was born through the wedlock between Veerchamy and Chandra, she asserted that no child by name Kalyanakumar was born. She virtually insinuated that Kalyanakumar is impersonating as if he is Sornalingam in order to stake false claim over their properties bequeathed by her father.



W.P(MD)No.13786 of 2024

5. Per contra, the learned Additional Government Pleader submitted that if the writ petitioners felt aggrieved, their remedy is to go before the jurisdictional civil Court.

6. The learned counsel appearing for the third respondent submitted that the impugned order is well reasoned and that it does not call for interference.

7. The learned counsel appearing for the fourth respondent submitted that Chandra also should have been impleaded as legal heir and excluding her name is not correct.

8. I carefully considered the rival contentions and went through the materials on record. There is no dispute that after the demise of Lalitha / mother of the writ petitioners herein, the father of the writ petitioners got married to the fourth respondent Chandra. It is again admitted that in the year 1987, Chandra gave birth to a male child and that he was named as Sornalingam. Admittedly, Chandra left the matrimonial home some time in the year 1991-92. According to the writ petitioners, Chandra got re-married to one Raja and the petitioners have produced the materials to show that Chandra filed M.C.O.P.No.16 of 1996 on the file of the MACT, Sivagangai and obtained



W.P(MD)No.13786 of 2024

compensation for the accidental death of Raja.

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9. The fourth respondent would of-course contest the said claim. It is true that the marriage between Veerachamy and Chandra was not dissolved in the manner known to law. Through a registered divorce deed, a marriage cannot be dissolved. But then, the fact remains that Chandra had lodged MCOP claim by filing the above MCOP. No clear affidavit has been filed denying the said allegation. When the RDO issued legal heir certificate excluding the name of Chandra, she did not choose to challenge the same. The petitioners only moved the DRO. Before the RDO, Chandra formally got impleaded and again she did not mount any challenge before the DRO. The DRO vide order dated 15.05.2024 confirmed the order passed by the RDO. In this writ petition filed by the writ petitioners herein, Chandra got impleaded but then she has not chosen to mount a formal challenge to the said orders.

10. From these averments, one can safely come to the conclusion that a person who had staked claim as the wife of one Raja and got compensation is not entitled to assert that she is the wife of late Veerachamy. I therefore hold that the revenue authorities were right in excluding the name of the fourth respondent from the list of legal heirs.



W.P(MD)No.13786 of 2024

WEB COPY

11. Coming to the inclusion of the name of the third respondent, the materials placed before me clearly indicate that Kalyanakumar was very much born through Veerachamy. Kalyanakumar has enclosed the school leaving certificate. It was issued in March 2002. The date of birth is mentioned as 15.06.1987. That Chandra is the mother of Kalyanakumar is not in dispute. Chandra was the legally wedded wife of Veerachamy when Kalyanakumar was born. His initial is shown as 'V'. Common sense dictates that third respondent herein is the son of late Veerachamy. All the other materials enclosed in the typed set of papers point to the same fact.

12. The stand of Kalyanakumar is that Sornalingam was the customary name conferred on him. But as per the school records, he was known only as Kalyanakumar. The RDO & DRO had accepted the said claim of Kalyanakumar. If the writ petitioners are of the view that this was incorrect, their remedy is to go only before the jurisdictional civil court. In exercise of judicial review under Article 226 of the Constitution of India, I am not in a position to go into these factual aspects.



W.P(MD)No.13786 of 2024

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13. The writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

28.11.2025

Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.13786 of 2024

G.R.SWAMINATHAN, J.

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W.P(MD)No.13786 of 2024

28.11.2025