

W.P.(MD) No.22053 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD)No.22053 of 2025

and

W.M.P(MD)No.17161 of 2025

1.C.Adaikkammal

2.K.Alagammal

... Petitioners

Vs.

1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.

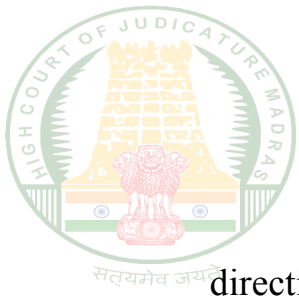
2.The Revenue Divisional Officer,
Srirangam,
Tiruchirappalli District.

3.The Tahsildar,
Marungapuri Taluk,
Tiruchirappalli District.

4.Varadhan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, Writ of Mandamus



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directing the respondents 2 and 3 to remove the name of the 4th respondent in the legal heir certificate No.TN7202009142036 dated 01.10.2020 issued by the 3rd respondent herein by considering the petitioners representation dated 03.11.2024 within a stipulated time as fixed by this Court.

For Petitioners : Mr.C.Jeya Prakash

For R1 to R3 : Mr.D.Ghandiraj
Special Government Pleader

ORDER

The writ petition has been filed by the petitioners for a Mandamus to direct the second and third respondents to remove the name of the fourth respondent from the legal heir certificate No.TN7202009142036 dated 01.10.2020.

2. As no adverse orders are proposed to be passed at this stage, the writ petition is disposed of at the time of admission, after hearing the learned counsel for the petitioners and the learned counsel for the official respondents.



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3. The facts on record reveals that the petitioners are claiming that the fourth respondent is not their brother. In this connection, the petitioners have relied on a joint Will said to have been executed by the petitioners' father Late.Nachan and mother Lakshmiammal on 09.11.1973, wherein it has been stated that only the petitioners are the two daughters of their parents namely Nachan and Lakshmiammal. It is submitted that the private respondent No.4 has obtained legal heir certificate No.TN7202009142036 dated 01.10.2020 from the third respondent behind the back of the petitioner without enquiry. It is further submitted that on the strength of the legal heir certificate, the fourth respondent has also filed a suit for partition and declaration before the Subordinate Court, Manapparai in O.S.No.110 of 2024. It is further submitted that the petitioner has also given representations dated 03.11.2024 to the official respondents to amend the legal heir certificate by deleting the name of the fourth respondent and that they have also given a complaint to the Directorate of Vigilance and Anti Corruption against the officials on 11.11.2024 in connection with the issuance of the legal heir certificate incorporating the name of the fourth respondent.

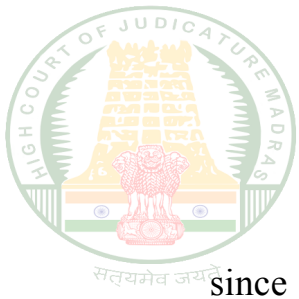


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4. Further, learned counsel for the petitioners submits that although petitioners have an alternative remedy by way of an appeal before the second respondent, since the aforesaid legal heir certificate dated 01.10.2020 was issued without proper enquiry and it is a violation of principles of natural justice, the legal heir certificate incorporating the name of the fourth respondent as the son of Late.Nachan and Lakshmiammal (parents of the petitioners) is liable to be withdrawn / amended.

5. Learned counsel for the respondents on the other hand would submit that the fourth respondent has filed O.S.No.100 of 2024 for partition wherein he has categorically stated that he is the son of Nachan and Lakshmiammal and that the petitioners have an alternative remedy before the Revenue Divisional Officer in terms of G.O.(Ms)No.110, Revenue and Disaster Management, Revenue Administration Wing, RA-3(2) Section, dated 13.03.2024. It is submitted that the fourth respondent can alter the legal heir certificate only within one year and



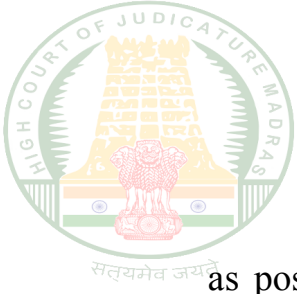
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since on more than a year has gone by, the petitioners does have the alternative remedy before the second respondent Revenue Divisional Officer.

6. Having considered the submissions made by the learned counsel for the petitioners and the learned counsel for the official respondents, this writ petition is disposed by directing the second respondent to consider the petitioner's representations for deleting the name of the fourth respondent, afresh after due notice to the fourth respondent as the afore the aforesaid legal heir certificate dated 01.10.2020 has been purportedly issued by incorporating the name of the fourth respondent without proper enquiry.

7. Therefore, the writ petition stands disposed by directing the second respondent to issue a fresh notice to the fourth respondent and pass an order after causing enquiry and thereafter proceed to pass appropriate orders as to whether to delete the name of the fourth respondent or to reject the prayer of the writ petitioners as expeditiously



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as possible preferably within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

12.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

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