

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.5399 of 2024

M.Marannan

... Petitioner

Vs.

1.The District Collector,
Coimbatore.

2.The Tahsildar,
Mettupalayam,
Coimbatore.

3.The Commissioner of Revenue,
Administration, Chepauk,
Chennai.600 005.

*(R3-Suo Motu Impleaded as per order dated 17.04.2024 in WP.5399/2024
By SMSJ)*

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari, calling for the records of the 2nd respondent pertaining to his proceedings dated Nil rejecting the Application TN 7202312262022 for Legal Heir Certificate and quash the same.

For Petitioner : Mr.K.S.Karthik Raja

For Respondents : Mr.U.Baranidharan,
Additional Government Pleader
[R.1 to R.3]

: Mr.S.Vinoth Kumar,
Govt. Advocate (Crl.Side)

ORDER

The writ petition has been filed challenging the order or rejection rejecting the application submitted by the writ petitioner seeking Legal Heirship Certificate for deceased Maranna Gowder.

2. The petitioner claims that he is the only legal heir of late Maranna Gowder and accordingly, submitted an application for issuance of Legal Heirship Certificate. The Revenue Authorities conducted an inquiry and found that the deceased Maranna Gowder has four legal heirs i.e., his two sons and two daughters. They are, writ petitioner Marannan, i.e. son of Maranna Gowder; Rangammal, wife of Palaniappan; Rani, wife of Veluswamy; and Rangaraj, son of Maranna Gowder.

3. The petitioner has suppressed the fact regarding all the legal heirs of deceased Marana Gowder when four legal heirs are alive. Since application seeking issuance of Legal Heirship Certificate is filed without disclosing the true facts and the particulars of all the legal heirs, the Revenue authorities are mistakenly issuing the Legal Heirship Certificate believing the statement made by the applicants. Legal Heirship Certificate has got civil consequences. Legal heirs are inheriting the property of the deceased person. When the Legal Heirship Certificate involves civil consequences, the suppression of facts are to be viewed seriously, since such suppressions are infringing the rights of other legal heirs of the deceased person.

4. When suppression of facts are leading to infringement of civil rights of some persons, the persons who are suppressing the facts are liable to be prosecuted under the criminal law. It is not as if a person can submit an application with false details and secure Legal Heirship Certificate so as to inherit the properties of the deceased persons.

5. Recently, Courts are coming across many such cases where false details are provided and suppression of facts are noticed, for the purpose of securing Legal Heirship Certificate. Through such Legal Heirship Certificate, valuable properties are transferred and revenue records are mutated. Considering the facts that large scale illegalities and irregularities are noticed in the public domain and the Revenue authorities are struggling to identify the true facts relating to the legal heirs since the legal heirs are residing in far off places, the person who all are suppressing the facts relating to the legal heirs of any deceased person are liable to be prosecuted under criminal law.

6. In this context, this Court by order dated 17.04.2024, suo motu impleaded the Revenue Administration, Chepauk, Chennai, for the purpose of issuing circular to the Revenue authorities to register complaint with the jurisdictional police for prosecuting the offenders who have been involved in suppression of fact or for production of false details in the application, in order to secure Legal Heirship Certificate.

7. In this context, Mr.S.Vinoth Kumar, Learned Government

Advocate (Criminal side) assisted this Court by stating that persons furnishing false informations can be prosecuted under following provisions and Section 177 of IPC reads as under:

“1. Section 177 of IPC, 1860 - Furnishing false information:

Whoever, being legally bound to furnish information on any subject to any public servant, as such, furnishes, as true, information on the subject which he knows or has reason to believe to be false, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both;

Or, if the information which he is legally bound to give respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

NOTE - A person with a fraudulent intention to apply for a legal heir certificate by furnishing false information to Tahsildar (i.e. public servant) knowing or having the knowledge that the information so given is false is liable to be punished under this section.

2. Section 182 of the IPC, 1860 False information, with intent to cause public servant to use his lawful power to the

injury of another person:

Whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant -

(a) to do or omit anything which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known by him, or

(b) to use the lawful power of such public servant to the injury or annoyance of any person,

shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

NOTE:

- The object of this section is that a public servant should not be falsely given information with the intent that he should be misled by a person who believed that information to be false, and intended to mislead him. Thus, it is an offence to give false information which misleads a public servant into doing what he ought not to do.

- A person who gives false information to the Tahsildar (i.e. public servant), having complete knowledge about the same and

making the Tahsildar to issue a legal heir certificate in his favour which the Tahsildar out not to have done. The said person had induced the Tahsildar into using his lawful power with a mala fide intention to cause injury or annoyance to another person.

- The legal heir certificate is an important document which is required to transfer the deceased person's property to their legal heirs, claiming insurance and for handling other citizen-centric services related to the deceased.

- Hence, obtaining legal heir certificate by fraudulent means would cause injury on the other person who is the actual legal heir of the deceased and that inducing the Tahsildar by false information and obtaining legal heir certificate would amount to commission of crime under this section and that the said person who had committed such offence is liable to be punished under this section.

3. Section 199 of the Indian Penal Code, 1860 False statement made in declaration which is by law receivable as evidence:

Whoever, in any declaration made or subscribed by him, which declaration any Court of Justice, or any public servant or other person, is bound or authorised by law to receive as evidence of any fact, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, touching any point material to the object for which the

declaration is made or used, shall be punished in the same manner as if he gave false evidence.

NOTE:

- The object of this section is to make a false declaration intentionally made which declaration any court, public servant or other person is bound or authorised to receive in evidence, punishable. The declaration must not only be false but also by law be receivable as evidence by a Court of justice or a public servant.

- By considering an application made by a person for obtaining the legal heir certificate as a declaration made by that person and that giving false information to the Tahsildar (i.e. public servant) who receives the declaration and finds it to be a false one, the Tahsildar can take necessary criminal action as against that person by giving a private complaint before the competent jurisdictional court.

- Above mentioned offences are committed by a person when he gives false information / suppression of material facts to the Tahsildar through an application made in order to get the legal heir certificate.

The cause of action determines the commission of the offences U/s. 420, 467, 468 and 471 of IPC.

- Further, when the said person misuses the legal heir certificate by transferring the property of the deceased to which he has no rights vested on him and that he, not being the legal heir of the deceased or that he being one of the legal heirs of the deceased but had suppressed the facts about the other legal heirs or if he makes insurance claims based on the fraudulently obtained legal heir certificate, then he has committed the offences under section 420, 467, 468 and 471 of IPC.

1. Section 420 of IPC Cheating and dishonestly inducing delivery of property.

2. Section 467 of IPC - Forgery of valuable security, will, etc.

3. Section 468 of IPC - Forgery for purpose of cheating.

4. Section 471 of IPC - Using as genuine a forged document or electronic record.”

8. The assistance of Mr.S.Vinoth Kumar, learned Government Advocate (Criminal side) stands appreciated. Since furnishing false information and suppression of facts for the purpose of securing Legal Heirship Certificate is an offence contemplated under the Indian Penal Code, the Revenue authorities, on identification of such false facts and suppression of facts in the applications for Legal Heirship Certificate, shall prosecute the offenders by registering a complaint before the competent

Police authorities and by following due procedures. The Revenue authorities shall prosecute the offenders by registering a complaint under Section 200 Cr.P.C. Unless such penal actions are initiated, it would be very difficult for the Revenue authorities to control the menace of furnishing false informations and prevent suppression of facts in the matter of issuance of Legal Heirship Certificate. The consequences of Legal Heirship Certificate cannot be countenanced since it has civil consequences and therefore, the Revenue authorities are expected to be cautious while issuing Legal Heirship Certificate and inquiry in this regard is to be conducted properly and in the manner contemplated.

9. Large scale allegations of corrupt practices are noticed regarding issuance of legal heirship certificate. Thus, the Commissioner, Land Administration shall formulate procedures and accordingly issue suitable instructions to prosecute the offenders, who have committed suppression of fact or furnished false information to secure legal certificate.

10. In this context, the Commissioner, Revenue Administration, Chepauk, Chennai is directed to issue Circular / Instructions to all the competent Revenue Authorities across the State of Tamil Nadu to register

criminal complaint under Section 200 Cr.P.C. if any applicant has submitted application seeking Legal Heirship Certificate by suppressing material facts or by furnishing false informations. The details regarding the false informations and suppression of facts have to be collected by the competent authorities and criminal complaint have to be registered.

11. In the event of failure on the part of the competent Revenue Authorities to prosecute the offenders under Criminal Law, the Commissioner of Revenue Administration / Competent Authority shall initiate appropriate disciplinary proceedings against such officials for dereliction of duty, lapses and negligence on their part. If any practices are abutment of to commit offences are identified then the Government officials are also liable to be prosecuted under Criminal Law.

12. The Commissioner of Revenue Administration is directed to issue a Circular / Instructions / Procedures within a period of five (5) weeks from the date of receipt of a copy of this order. Accordingly, the writ petition stands **disposed of**. No costs.

13. List this matter before this court “For Reporting Compliance” on
14.06.2024.

23.04.2024

Sha/Jeni
Index : Yes
Speaking Order
Neutral Citation : Yes

***Note: Registry is directed to list the matter before this Court on
14.06.2024, under the caption “For Reporting Compliance”.***

To

- 1.The District Collector,
Coimbatore
- 2.The Tahsildar,
Mettupalayam, Coimbatore
- 3.The Commissioner of Revenue,
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S.M.SUBRAMANIAM. J.,

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