COURT OF THE SUB-COLLECTOR, ATHAMALLIK

Misc. Certificate Appeal No. 02 of 2026

(Against Legal Heir Certificate No. E-LHC/2025/255770 dated 26.11.2025 of the Tahasildar, Kishorenagar)

Filu Urma and others … Appellants v. Abani Kumar Behera and others … Respondents

Decided on 18 March 2026

Odisha Miscellaneous Certificates Rules, 2019 – Legal heir certificate – Children of a predeceased daughter omitted. Under section 8 and the Schedule (Class I) of the Hindu Succession Act, 1956, the children of a predeceased daughter take the share their mother would have taken. Where they were left out of the legal heir certificate and the respondents admit the omission, the certificate must be cancelled and a revised one issued including them, with intimation to the land acquisition authority paying compensation.

Result: Appeal allowed. Certificate cancelled; revised legal heir certificate to include the appellants.

ORDER

18.03.2026

1. The present appeal is directed against the Legal Heir Certificate (No. E-LHC/2025/255770) issued by the Tahasildar, Kishorenagar, on 26.11.2025. The appellant, Filu Urma, seeks the inclusion of her name and the names of her siblings as legal heirs of the deceased, Late Jaladhar Behera

Case Background

2. The original certificate was issued following an application by Smt. Saraswati Behera (widow of the deceased). Based on a field enquiry conducted by the Revenue Inspector (RI), Raniakata, and a subsequent public proclamation to which no objections were received, the Tahasildar issued the certificate naming five legal heirs: Abani Kumar Behera (Son), Ashok Kumar Behera (Son), Atulya Mahanandia (Daughter), Laxmi Kumbhar (Daughter), and Saraswati Behera (Wife).

2. Statement of the Appellant

3. The appellant, Filu Urma, stated that she is the daughter of Late Asthami Urma, who was the daughter of the deceased, Jaladhar Behera.He testified that his mother's name was inadvertently deleted/omitted during the issuance of the certificate. His mother, Asthami Urma, passed away on 14.11.2011. Due to this omission, the appellant and her siblings have been deprived of compensation benefits related to the Manjore Irrigation Project/Dam land acquisition, as the land was recorded in her maternal grandfather's name.

3. Statement of the Respondent

4. The respondent, Abani Kumar Behera (son of the deceased), appeared and submitted a statement on 18.03.2026:He admitted that the names of the legal heirs of Late Asthami Urma (daughter of Jaladhar Behera) were left out inadvertently.He stated he has no objection if the names of the appellants—Filu Urma (Son/Daughter), Anu Urma (Daughter), Amita Urma (Daughter), and Silu Urma (Son)—are included as legal heirs and incorporated into the certificate. (Note: While the deposition lists Filu as a son, the appeal memo clarifies that Filu is a daughter.)

4. Submission of the Tahasildar

5. The Tahasildar, Kishorenagar, submitted paragraph-wise comments stating that:

6. The office followed all statutory procedures under Rules 6(1) and 6(2) of the Odisha Miscellaneous Certificate Rules, 2019

7. The certificate was issued based on the RI's report and a 15-day public proclamation that drew no initial objections

5. Legal Analysis and Findings

8. Under the Hindu Succession Act, 1956, specifically Section 8 and the Schedule (Class I heirs), the children of a predeceased daughter are entitled to the share that their mother would have received. Since Asthami Urma (daughter) passed away in 2011, her children (the appellants) legally stepped into her shoes regarding the estate of Jaladhar Behera.

9. The Odisha Miscellaneous Certificate Rules, 2019, provide for the issuance of such certificates for administrative purposes, including compensation. The records and the respondent's own admission confirm a bona fide omission.

6. Final Order

10. In view of the consensus between the parties and the genealogical evidence provided:

11. The appeal is allowed. The Tahasildar, Kishorenagar, is directed to cancel the previous Legal Heir Certificate (No. E-LHC/2025/255770). A revised Legal Heir Certificate shall be issued, including the names of Filu Urma, Anu Urma, Amita Urma, and Silu Urma as the legal heirs of Late Jaladhar Behera through their deceased mother, Late Asthami Urma. The concerned Land Acquisition authorities are to be notified for the inclusion of these names in the Manjore Dam compensation process.

Sd/-

Sub-Collector, Athamallik

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