

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.22801 of 2014

J.Sakthivel

... Petitioner

Vs.

1. The Sub-Divisional Magistrate-cum-
Revenue Divisional Officer,
Salem.

2. The Tahsildar,
Salem.

3 .S.Natarajan

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of certiorarified mandamus to call for the records pertaining to proceedings of the first respondent in Na.Ka.1346/2014/A4, dated 09.06.2014 and quash the same and consequently direct the first respondent to confirm the order passed in Ni.Mu.6495/13/Aa.1, dated 06.11.2013 passed by the second respondent recognizing the petitioner as Legal Heir of S.Jagannathan, S/o Sengoda Gounder (a) Kullu Gounder, who died on 06.03.2007.

For Petitioner : Mr.M.Rajasekarn

For R1 & R2 : Mr.P.Sanjay Gandhi, AGP

For R3 : Mr.P.Mathivanan

O R D E R

Challenging the order dated 09.06.2014 by which two legal heir certificates granted earlier were cancelled, the petitioner claiming to be the son of the deceased S.Jagannathan, has come forward to file the present writ petition.

2. It is a case of the petitioner that he is the son of the deceased Jagannathan, whereas it is the case of the third respondent that he is the brother of the deceased, who did not marry the mother of the petitioner. Both the parties have filed their respective suits before the District Munsif Court, Salem in O.S.No.927 of 2013 and O.S.No.189 of 2014. Both the suits are pending.

3. It is settled law that a legal heir certificate does not have any legal sanctity. In any case, such a certificate is subject to the decision of a Civil Court. In the civil proceedings, the petitioner has filed the suit claiming to be the legal heir of the deceased Jagannathan, which is disputed by the third respondent. Thus, it is an issue which has to be decided by the District Munsif Court, Salem. Accordingly, a direction is issued to the learned District Munsif, Salem, to dispose of the suits filed by the respective parties in O.S.No.927 of 2013 and O.S.No.189 of 2014, by recording a finding on the issue as to whether the petitioner is the legal heir of the deceased Jagannathan, within a period of nine months from the date of receipt of a copy of this order. No Costs. M.P.No.1 of 2014 is closed.

Rkm

Sd/-

Assistant Registrar (CS-IV)

/True Copy/

Sub-Assistant Registrar

To

1. The District Munsif,
Salem
2. The Sub-Divisional Magistrate-cum-
Revenue Divisional Officer,
Salem.
3. The Tahsildar,
Salem.

+1 C.C. To. Mr.M.Raja Sekhar, Advocate in SR.NO.55800

+1 C.C. To. P.Mathivanan, Advocate in SR.NO.55763

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W.P.No.22801 of 2014

SK(CO)

sd : 19/10/2015