

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.09.2016

CORAM

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

WP.No.33731 of 2016 & WMP No.29134 of 2016

P.N.Annamalai

..Petitioner

Vs

1.The Commissioner
Revenue Administration
Ezhilagam, Chennai 600 003.

2.The Sub Collector
O/o.The Sub Collector
Cheyyar, Tiruvannamalai District.

3.The Tahsildar,
Arni Taluk, Tiruvannamalai District.

4.Tmt Sarasu
5.Iraianbu

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified mandamus calling for the records relating to the proceedings dated Na.Ka.No.A4/4829/2014 dated 30.06.2015 issued by the 2nd respondent and to quash the same and to direct the respondents 1 to 3 to cancel the legal heir certificate Ni.Mu.A1/139/2013 dated 23.01.2013 issued by the 3rd respondent.

For Petitioner : Mr.V.Prabhu

For RR 1 to 3 : Mr.P.Chinnadurai, GA

ORDER

Heard Mr.V.Prabhu, learned counsel appearing for the petitioner and Mr.P.Chinnadurai, learned Government Advocate accepting notice on behalf of the respondents 1 to 3 and with the consent on either side, the writ petition is taken up for final disposal.

2 The petitioner in this writ petition challenges the proceedings of the 2nd respondent dated 30.06.2016 by which the petitioner's request for grant of Legal Heirship Certificate in respect of [late] P.N.Govindasamy, has been rejected on several grounds.

3 From the affidavit filed in support of this writ petition, it is evidently clear that there are serious contest as regards who are the legal heirs of the said P.N.Govindasamy, who is said to be the brother of the petitioner herein, viz., P.N.Annamalai. The Tahsildar, who is the authority who grants the Legal Heirship Certificate would do so by conducting summary enquiry based on evidences and local verification. The Tahsildar, at any stretch of imagination, cannot decide about the succession, especially, when there is serious dispute. The case on hand is one such case where there are serious disputes and there are rival claims and certain allegations are said to have been made against the respondents 4 and 5 on the ground that they are taking advantage of the fact that the deceased left behind substantial amount of valuable property.

4 In the light of the above, the prayer sought for by the petitioner cannot be acceded to. However, this Court is inclined to grant an opportunity to the petitioner to approach the Civil Court for appropriate relief.

5 Accordingly, the writ petition stands dismissed with liberty to the petitioner to file a suit for appropriate relief before a Civil Court of competent jurisdiction in which he can raise all pleas and if the same is raised, the Civil Court shall decide the suit based on the oral and documentary evidence that may be placed before it without in any manner being influenced by the impugned proceedings dated 30.06.2015. No costs. Consequently, the connected miscellaneous petition is also dismissed.

सत्यमेव जयते

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ap

To

1.The Commissioner
Revenue Administration
Ezhilagam, Chennai 600 003.

2.The Sub Collector
O/o.The Sub Collector
Cheyyar, Tiruvannamalai District.

3.The Tahsildar,
Arni Taluk, Tiruvannamalai District.

+1 cc to Mr.V.Prabhu Advocate sr 54846
+1 cc to Government Pleader sr 55635

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