



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 13.04..2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE **V. PARTHIBAN**

W.P (MD) No.17867 of 2015

M.Puthiyavan Sathish

..Petitioner

Vs

1. The District Collector,
Thoothukudi District.
2. The Tahsildar,
Vilathikulam, Thoothukudi District.
3. The Revenue Inspector,
Kulathoor, Vilathikulam Taluk,
Thoothukudi District.
4. Village Administrative Officer
South side, Kulathur Village,
Vilathikulam Taluk,
Thoothukudi District.

...Respondents.

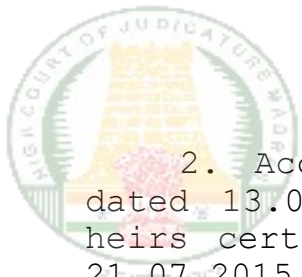
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned communication passed by the 2nd respondent in O.Mu.A2/9126/15 and quash the same as illegal, arbitrary against the principles of nature and unconstitutional and consequently direct to the 2nd respondent to consider the petitioner's representation dated on 13.04.2015 to issue the legal heir certificate to the petitioner paternal uncle namely Murugesan @ Murugesapandian.

For Petitioner : Mr.M.M.Manivelpandian

For Respondents : Mr.M.Alagathevan,
Special Government Pleader

ORDER

The Petitioner has approached this Court seeking a Writ of Certiorarified Mandamus to call for the records relating to the impugned communication passed by the 2nd respondent in O.Mu.A2/9126/15 and quash the same as illegal, arbitrary against the principles of nature and unconstitutional and consequently direct to the 2nd respondent to consider the petitioner's representation dated on 13.04.2015 to issue the legal heir certificate to the petitioner paternal uncle namely Murugesan @ Murugesapandian.



2. According to the petitioner, he submitted an application dated 13.04.2015 before the 2nd respondent for issuance of legal heirs certificate and the 2nd respondent by his proceedings, dated 21.07.2015 vide O.Mu.A2/9126/15 rejected the same directing the parties to approach the appropriate Court for establishing the status as they are legal heirs of the deceased person.

3. Mr.M.Alagathevan, learned Special Government pleader takes notice for the respondent and filed counter.

4. According to the averments made in the counter affidavit, two persons including the petitioner herein have been claiming the status of the legal heirs of deceased Murugesan @ Murugesapandian and the death certificate was produced by both the persons carrying different dates.

5. In view of the same, the authority was not in a position to take a decision one way or other. Considering the averments contained in the counter affidavit, this Court is of the firm view that the present writ petition cannot be entertained in view of the disputed question of fact and such relief cannot be claimed in the facts and circumstances of the case by invoking the extraordinary jurisdiction under Article 226 of the Constitution of India, as rightly directed by the 2nd respondent. It is open to the petitioner to approach the appropriate Civil Court to establish his right in respect of his status of legal heirs of the deceased Murugesan @ Murugesapandian and thereafter, the petitioner can approach the authorities concerned for issuance of such legal heirship certificate.

6. In view of the same, this writ petition is dismissed as not maintainable.
No costs.

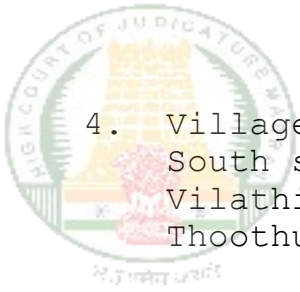
Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Thoothukudi District.
2. The Tahsildar,
Vilathikulam,
Thoothukudi District.
3. The Revenue Inspector,
Kulathoor, Vilathikulam Taluk,
Thoothukudi District.



4. Village Administrative Officer
South side, Kulathur Village,
Vilathikulam Taluk,
Thoothukudi District.

+1cc to M/S.M.M.MANIVEL PANDIAN, Advocate SR.No. 51969

+1cc to Special Government Pleader, SR.No. 52279

W.P (MD) No.17867 of 2015

13.04.2017

JM/SV MMS/03.05.2017/3P/7C