



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2017

CORAM:

THE HONOURABLE Mr.JUSTICE K.RAVICHANDRABAABU

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**W.P. (MD) No.220 of 2017
and W.P.M.P. (MD) No.181 of 2017**

R.Panchali

... Petitioner

Vs.

1.The District Collector, Pudukkottai,
Pudukkottai District.

2.The Tahsildar,
Pudukkottai Taluk and District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 2nd respondent in his proceedings in Moo.Mu./A5/9920/2016 dated 30.11.2016 and quash the same and also direct the 2nd respondent to issue legal heir certificate to the petitioner.

For Petitioner : Mr.K.G.Arunkumar

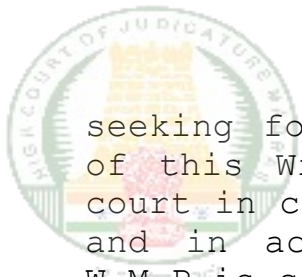
For Respondents : Mr.C.Selvaraj, Spl.G.P.

O R D E R

The petitioner seeks to challenge the order of the 2nd respondent dated 30.11.2016 wherein and whereby, the petitioner's request for issuing legal heirship certificate by stipulating her as the legal heir of one late Ramasamy Poosari son of Chinnamuthu Poosari was rejected on the reason that the petitioner was not a direct heir. The impugned order further directed the petitioner to approach the competent civil court and get the relief.

2.It is claimed by the petitioner that she is the adopted daughter of the deceased Ramasamy Poosari son of Chinnamuthu Poosari and the deceased had executed a Will in her favour. If that is the case, it is for the petitioner to approach the competent civil court and file appropriate suit to establish her right and status. Without doing so, approaching the respondents and seeking for issuance of legal heirship certificate is not the proper course of action.

3.The 2nd respondent has rightly directed the petitioner to approach the civil court. Accordingly, I find no reason to interfere with the impugned order. Consequently, the Writ petition is dismissed. However, liberty is granted to the petitioner to approach the civil court and file appropriate suit



seeking for appropriate relief. Needless to state that dismissal of this Writ petition shall not stand in the way of the civil court in considering the claim of the petitioner on its own merits and in accordance with law. No costs. Consequently, connected W.M.P.is closed.

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Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

1.The District Collector, Pudukkottai, Pudukkottai District.

2.The Tahsildar, Pudukkottai Taluk and District.

+1 CC to M/s.K.G.ARUNKUMAR, Advocate, SR No. 1444

+1 CC to M/s. THE SPECIAL GOVERNMENT PLEADER, Advocate, SR No.1347

NBJ

PSM/BS-MR/06.02.2017/2P/5C

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