



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.02.2017

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WEB COPY

Writ Petition (MD) No.20187 of 2013
and
M.P(MD)No.1 of 2013

A.Akbar ... Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.The District Revenue Officer,
Trichy.

3.The Revenue Divisional Officer,
Trichy.

4.The Revenue Tahsildar,
Trichy District, Trichy.

5.A.Mohammed Jafarullah ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 1st respondent in Na.A4.1946-2013 dated 30.9.2013 quash the same and direct the 1st respondent to restore the legal heir certificate issued to Mujubunissa on 4.4.2001 by the 4th respondent to its original position.

For Petitioner : M/s.J.Anandhavalli
For Respondents 1-4 : Mr.M.Alagadevan,
Special Government Pleader.
For 5th Respondent : Ms.T.K.Akalya,
for M/s.Ajmal Associates

ORDER

The challenge in the present writ petition is to an order of cancellation of legal heir certificate issued to one Mujubunissa. The said Mujubunissa is a person of mentally unsound. The petitioner in this writ petition was appointed as guardian by an order dated 01.04.2004 in M.H.O.P.No.7 of 2003 under Section 52 of Mental Health Act, 1987.

<https://hcd.mca.gov.in/services>

2.Admittedly, the said Mujubunissa went missing and could



not be traced. Thereafter, the order appointing the petitioner as guardian was withdrawn and a retired District Judge has been appointed in the petitioner's place. As such, the petitioner has now no relationship whatsoever with Mujunissa.

3.The challenge in the writ petition pertains to the legal heir certificate issued to Mujubunissa. The petitioner, since has already been discharged as the guardian of Mujubunissa cannot be aggrieved against the cancellation. In view of the petitioner's disentitlement to be the guardian of Mujubunissa, I am of the view that the petitioner has no locus to file the present writ petition. As such, the various grounds raised by the petitioner need not be gone into in view of his disqualification to be petitioner in this case.

4.Accordingly, the writ petition stands dismissed. No costs. Consequently, M.P(MD)No.1 of 2013 is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Trichy District,
Trichy.

2.The District Revenue Officer,
Trichy.

3.The Revenue Divisional Officer,
Trichy.

4.The Revenue Tahsildar,
Trichy District, Trichy.

+1cc to AJMAL ASSOCIATES in SR. No.7667

+1cc to M/s.ANANDHAVALLI Advocate in SR. No.7699

+1cc to SPECIAL GOVERNMENT PLEADER in SR. No.7926

SMS

JS/SV/MMS/22.02.2017/2P-8C

Pre delivery Order made in
Writ Petition (MD) No.20187 of 2013

and

M.P(MD)No.1 of 2013

10.02.2017