

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.9544 of 2018

&

W.M.P.Nos.11445 of 2018

V.S.Bhoopalan

.. Petitioner

-vs-

1.The District Collector
Collectorate Office
Thiruvallur District
Thiruvallur

2.The Deputy Revenue Officer
Thiruvallur District
Thiruvallur

3.The Tahsildar
Maduravoyal
Chennai

4.Mrs.Vanaja

.... Respondents

Petitions under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the records on the file of the 1st respondent herein relating to the impugned notice/proceedings in KA No.14579/2016/D2 dated 12.11.2016 for cancellation of legal heirs certificate of deceased Shobana and quash the same as illegal and consequently direct the 1st and 2nd respondents herein to issue Legal Heirs Certificate on considering the petitioner representation dated 12.03.2018 within the stipulated period of time.

For Petitioners:: Mr.L.Christopher

For Respondents:: Mr.I.Sathish

Additional Govt. Pleader for R1 to R3

ORDER

This writ petition has been filed questioning the correctness of the impugned order dated 12.11.2016 passed by the first respondent, the District Collector, Thiruvallur.

2.The learned counsel appearing for the petitioner submitted that the property bearing Door No.8/11 situated at Thai Moogambigai Street, Janaki Nagar, Valasaravakkam, Chennai belongs to Shobana, wife of the petitioner. But, she died on 14.09.2014 leaving behind the petitioner as her sole surviving legal heir. The petitioner has also obtained legal heirship certificate from the Tahsildar, Maduravoyal, the third respondent herein on 22.6.2015. On the basis of the Legal Heirship Certificate, he has executed a settlement deed in favour of his daughter on 20.10.2015 (daughter of the first wife). While so, one Vanaja, claiming to be adopted daughter of Shobana, made a representation to the Tahsildar, Maduravoyal. On the basis of the representation given by the said Vanaja, the Authority also cancelled the Legal Heirship Certificate dated 12.11.2016. The said Vanaja has also filed a suit in O.S.No.539 of 2015 on the file of District Munsif, Poonamallee and the same is pending. While so, I.A.Nos.1409 and 1410 of 2015 have been filed in the pending suit seeking interim injunction, which were dismissed by a common order dated 23.03.2016. Only thereafter, a representation has been given for re-issue of Legal Heirship Certificate.

3. Learned counsel for the petitioner submits that impugned order has been wrongly passed stating that unless the pending suit in O.S.No.539 of 2015 is disposed of, the request of the petitioner cannot be considered. It is his further submission that although Civil Suit in O.S.No.539 of 2015 filed by the said Vanaja, the fourth respondent is pending, the interlocutory application seeking interim injunction has already been rejected by order dated 23.02.2016 and therefore, a direction be issued to the Tahsildar to consider the representation of the petitioner dated 12.03.2018.

4. This Court is unable to entertain this writ petition for the reason that the fourth respondent has filed a Civil Suit in O.S.No.539 of 2015 on the file of District Munsif, Poonamallee. Until the said suit is disposed of, this Court cannot give any direction to the respondents. The petitioner can work out his remedy only after the disposal of the civil suit.

Accordingly, this writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS III)

//True copy//

Sub Assistant Registrar

gpa

To

1.The District Collector
Collectorate Office
Thiruvallur District
Thiruvallur

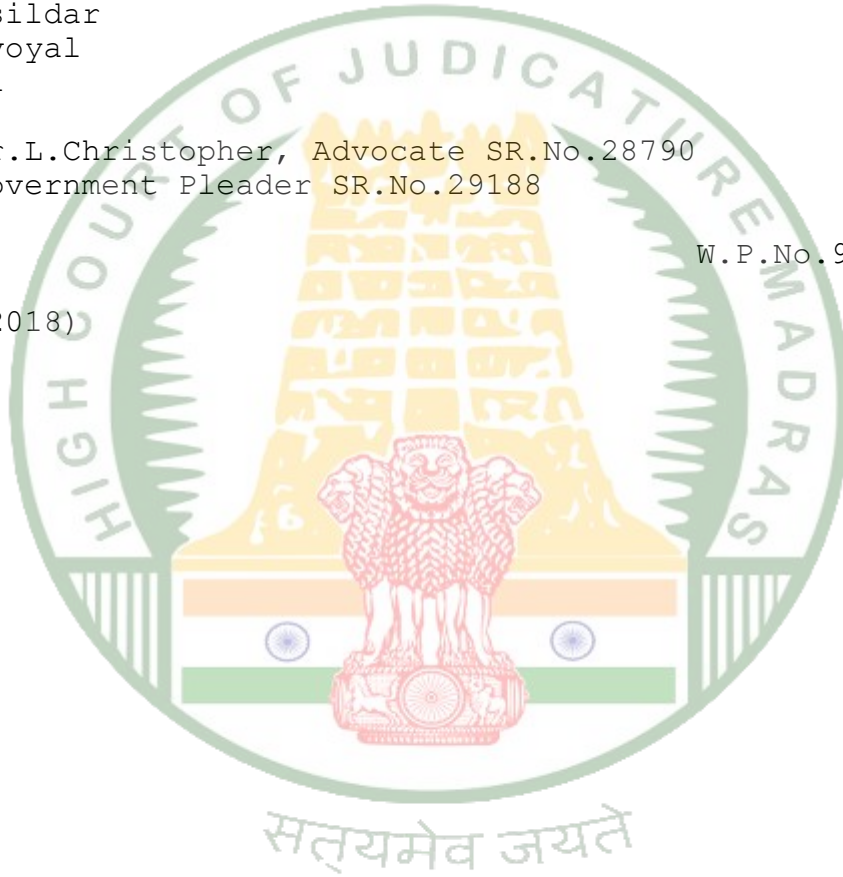
2.The Deputy Revenue Officer
Thiruvallur District
Thiruvallur

3.The Tahsildar
Maduravoyal
Chennai

+lcc to Mr.L.Christopher, Advocate SR.No.28790
+lcc to Government Pleader SR.No.29188

W.P.No.9544 of 2018

SG(CO)
GN(09/05/2018)



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