

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.25813 of 2016
and
W.M.P.No.22106 of 2016

1. R.Mageshwari
2. Agila
3. Prabhu Kumar

... Petitioners

Vs

- 1.The Tahsildar,
Taluk Office,
Tiruppattur,
Vellore District.
- 2.Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Tiruppattur, Vellore District.
- 3.Sub-Collector,
Office of the Deputy Collector,
Tiruppattur, Vellore District.
- 4.The District Collector,
Office of the District Collectorate,
Vellore District.

- 5.Amudha

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the order passed by the 3rd respondent in Na.Ka.A3/1355/2016 dated 14.6.2016 and quash the same and direct the 3rd respondent to cancel the Legalhairship Certificate dated 03.04.2013 bearing PA.MU.C1/5164/2013.

For Petitioner : Mr.N.Jayakumar

For Respondents : Mrs.P.Rajalakshmi, A.G.P.
for R.1 to 4

Mr.T.S.Kanmani for R5

O R D E R

This Writ Petition has been directed against the impugned order passed by the 3rd respondent in Na.Ka.A3/1355/2016 dated 14.6.2016 and quash the same and for further direction, directing the 3rd respondent to cancel the Legal Heirship Certificate dated 03.04.2013 bearing PA.MU.C1/5164/2013.

2. Learned Counsel appearing for the petitioners submitted that the question of marital status of the 1st petitioner whether she is the legally wedded wife of late A.Ravindran will be decided only by a competent Civil Court. Therefore, the 1st petitioner has also filed a Civil Suit in O.S.No.194/2015 on the file of the learned District Munsif, Tirupathur, impleading the 5th respondent herein, namely, Amudha, who also claims to be the daughter-in-law through the second wife of the deceased as 1st defendant.

3. Learned Additional Government Pleader appearing for the respondents 1 to 4 accepting the contention of the learned Counsel for the petitioners submitted that the marital status of the 1st petitioner whether she is the legally wedded wife of late A.Ravindran will be decided only by the competent civil forum for which the 1st petitioner has also filed the civil suit. The learned Additional Government Pleader further submitted that the Sub-Collector, Tirupathur, Vellore District, in his Proceedings dated 14.06.2016 specifically stated that the Legal Heir Certificate issued in favour of Amudha, the 5th respondent herein should be cancelled. Further, the learned Additional Government Pleader drawing the attention of this Court to paragraph 5 of the Written Statement filed by the Tahsildar, Tirupathur in the pending Civil Suit in O.S.No.194/2015 on the file of the learned District Munsif, Tirupathur submitted that it was made clear before the learned District Munsif, Tirupathur that the 5th respondent has wrongly issued the Legal Heir Certificate. Therefore, it is for the competent civil court to decide the matter and the learned Additional Government Pleader prays to dispose of the Writ Petition accordingly.

4. Considering the facts and circumstances of the case and also the fact that since in the written statement filed by the Tahsildar, Tirupathur before the learned District Munsif, Tirupathur in O.S.No.194/2015, the Tahsildar has taken a stand that the Legalheir Certificate issued in favour of the 5th respondent herein, namely, Amudha has been wrongly obtained by her, the Writ Petition is disposed of directing the learned District Munsif, Tirupathur to dispose of the pending civil suit in O.S.No.194/2015 on merits and in accordance with law, without being influenced by the order impugned in this writ petition,

expeditiously. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Munsif, Tirupathur.
 - 2.The Tahsildar,
Taluk Office, Tiruppattur, Vellore District.
 - 3.Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Tiruppattur, Vellore District.
 - 4.Sub-Collector,
Office of the Deputy Collector,
Tiruppattur,
Vellore District.
 - 5.The District Collector,
Office of the District Collectorate,
Vellore District.
- +5 cc to Mr.N.Jayakumar, Advocate Sr.No.86328
+1 cc to M/s.T.S.Kanmani, Advocate Sr.No.86579
+1 cc to The Government Pleader, SR.No.86723

CSL/09.12.2018

सत्यमेव जयते

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