



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.19016 of 2018

K.Sundarammal

... Petitioner

vs.

1.The District Collector,
District Collector Office,
Madurai.

2.The Revenue Divisional Officer,
Madurai District Collector Office,
Madurai.

3.The Tahsildar,
Madurai West, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus directing the respondents to conduct enquiry and cancel the bogus legal heir certificate No.ப.ப.ச.34/1992, dated 19.10.1992 issued by the third respondent within the stipulated time as fixed by this Court.

For Petitioner : Mr.M.Kochadai

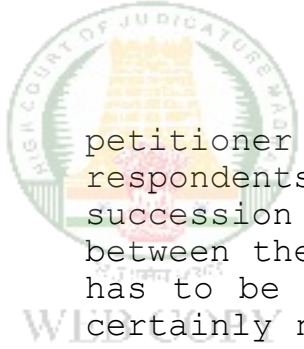
For Respondents : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

O R D E R

The issue as raised in this writ petition is relating to legal heirship certificate issued by the third respondent. According to the petitioner, some persons were claiming to be the legal heirs of the deceased person.

2. According to the learned Counsel appearing for the petitioner, the certificate issued was bogus and therefore, he seeks a direction to consider the petitioner's application dated 26.01.2018 and to cancel the bogus certificate.

3. From the materials and the pleadings disclosed in the said proceedings, it appears that there is a dispute between the



petitioner and few other third parties, who are not made as respondents in the writ petition in regard to the claim of succession to the deceased person. If there is any dispute between the parties in regard to the claim of succession, the same has to be adjudicated before the competent civil Court and it is certainly not open to the petitioner to approach this Court under Article 226 of the Constitution of India by seeking issuance of writ of Mandamus directing the respondents to consider his application. It is always open to the petitioner to approach the appropriate civil Court to establish his claim as being the legal heir of the deceased person and enforce his claim as against the other rival claimants.

4. Therefore, the writ petition is not maintainable and the same is dismissed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

1. The District Collector,
District Collector Office,
Madurai.
2. The Revenue Divisional Officer,
Madurai District Collector Office,
Madurai.
3. The Tahsildar,
Madurai West, Madurai.

+1 CC TO The Special Government Pleader SR.NO. 81653

W.P. (MD) No.19016 of 2018

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SSI

TR/RP/SAR-IV(27.09.2018)2P 5C