



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.06.2019**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P.(MD).Nos.6291 and 2239 of 2019

and

W.M.P(MD).Nos.5015 and 5984 of 2019

W.P.(MD).No.6291 of 2019

Parameswari

... Petitioner

/Vs./

1.The District collector,
Madurai District, Madurai.

2.The Deputy Director,
Department of Mines and Minerals,
Madurai, Madurai District.

3.The Assistant Director,
Department of Mines and Minerals,
Madurai, Madurai District.

4.The Tahsildar,
Madurai North Taluk, Madurai District.

5.N.Nagamalai

... Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the first respondent to cancel the stone quarry lease granted in favour of the fifth respondent pertaining to the stone quarry situated in S.No.24/1(part) of Kachirayanpatti Village, Melur Taluk, Madurai District to an extent of 2.00 hectares within stipulated time fixed by this Court.

For Petitioner

: Mr.V.Kannan

For Respondents

: Mrs.J.Padmavathi Devi (for R1 to R4)
Special Government Pleader
Mr.T.Lajapathi Roy (for R5)

W.P.(MD).No.2239 of 2019

Parameswari

... Petitioner

/Vs./



1.The Tahsildar,
Madurai North, Madurai.

2.N.Nagamalai

... Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the first respondent to issue the legal heir certificate to the petitioner along with the second respondent within stipulated time framed by this Court.

For Petitioner : Mr.V.Kannan
For Respondents : Mrs.J.Padmavathi Devi (for R1)
Special Government Pleader
Mr.T.Lajapathi Roy (for R2)

COMMON ORDER

A common order is passed in W.P(MD).No.2239 of 2019 and W.P (MD).No.6291 of 2019, since both the writ petitions are filed by the same petitioner. The facts in relation to both are also more or less similar and interconnected. Hence, a common order is passed, while disposing these writ petitions finally even at this stage.

2.Detailed submissions of Mr.V.Kannan learned counsel for the petitioner, Mrs.J.Padmavathi Devi, learned Special Government Pleader appearing for the official respondents and Mr.T.Lajapthy Roy, learned counsel for the private respondent in both writ petitions have been heard.

3.The petitioner, in the present writ petition, seeks the cancellation of operation of the stone quarry, in respect of which, the petitioners' late husband one Mr.Selvam admittedly, was the permit holder. The quarry is situated in S.No.24/1 (Part) of Kanchirayanpatti Village, Melur Taluk, Madurai District and admeasures an extent of two(2) hectares.

4.The petitioner had married the son of the private respondent, namely, one Mr.Selvam, in the year 2002. Thereafter, they were unable to live together on account of certain differences that arose between them. HMOP.No.673 of 2014 was filed by them before the Family Court in Madurai seeking a divorce. Even during the pendency of HMOP, an agreement was executed as between the petitioner and her husband on 09.06.2014 agreeing to a customary divorce *inter se*. Unfortunately, on 22.04.2019, the petitioners' husband passed away. The differences appear to have continued as between the petitioner and her father-in-law, viz., the private respondent in both the writ petitions.

5.After the demise of Mr.Selvam, proceedings for issuance of legal heirship certificate were initiated. The fourth



respondent, after a direction was issued in W.P.(MD).No.6291 of 2019, issued a legal heir certificate dated 15.10.2018. Only the petitioners' father-in-law is shown to be the legal heir of Mr.Selvam. Upon an application filed by the petitioner, the Revenue Divisional Officer, Madurai vide letter Rc.No.7832/2018 cancelled the legal heir certificate in favour of the private respondent. The order of cancellation was challenged before the Revenue Divisional Officer, who in turn, by order dated 07.02.2019, restored the legal heirship certificate issued originally confirming that the petitioners' father-in-law was the sole legal heir of Mr.Selvam. This order of the Revenue Divisional Officer dated 07.02.2019 has been brought to the notice of the petitioner, according to her, only during the hearing of the present writ petitions. A copy of the same has been supplied to the learned counsel for the petitioner, who has also handed over the same to the petitioner. The aforesaid order provides for a revision before the District Collector to be filed by any person aggrieved by the same, within a period of three years.

6.I am of the considered view that the prayer in both writ petitions is now not liable to be granted. The prayer in W.P(MD). No.2239 of 2019 is for a Mandamus directing the first respondent to issue a legal heir certificate including the name of the petitioner along with the second respondent. However, the order of the Revenue Divisional Officer dated 02.11.2018 has come to be passed even during the pendency of the writ petition and this writ petition is thus rendered infructuous.

7.As far as W.P(MD).No.6291 of 2019 is concerned, the petitioner seeks a mandamus directing the first respondent to cancel the stone quarry lease granted in favour of her father-in-law, which cannot be acceded to in the light of the fact that the quarry license, granted by proceedings dated 27.11.2015, have been rightly transferred to the petitioners' father-in-law vide proceedings dated 11.03.2019 by the District Collector, Madurai District upon demise of his son. Moreover, this order has not been challenged and thus, cannot be varied in any way in the present writ petition, where the prayer is only for a mandamus.

8.In the light of the aforesaid discussion, both writ petitions stand dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)



To

1. The District collector,
Madurai District, Madurai.
2. The Deputy Director,
Department of Mines and Minerals,
Madurai, Madurai District.
3. The Assistant Director,
Department of Mines and Minerals,
Madurai, Madurai District.
4. The Tahsildar,
Madurai North Taluk, Madurai District.

+1CC TO MR.C.PRITHVIRAJ, Advocate Sr. No.72057
+2CC TO MR.V.KANNAN, Advocate Sr. No.72061 & 72060

W.P. (MD).Nos.6291 and 2239 of 2019
27.06.2019

NS (CO)
TR (18.07.2019) 4P 8C