



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.11861 of 2020

and

W.M.P. (MD)No.10265 of 2020

Muthumari

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Revenue Divisional Officer,
Paramakudi, Ramanathapuram District.

3.The Thasildar,
Mudukulathur Taluk,
Mudukulathur, Ramanathapuram District.

4. Muthu

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the entire records relating to the impugned proceedings issued by the second respondent dated 14.08.2020 in Mu.Mu./P4/2477/2020 and quash the same.

For Petitioner : Mr.S.Veeranasamy

For R1 to R3 : Mrs.S.Srimathy,
Special Government Pleader

O R D E R

Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3.

2.The petitioner's maternal aunt Thangavadivelammal passed away on 26.09.2019. Her husband Muniasamy pre-deceased her. The petitioner claims that she was brought up by the said Thangavadivelammal and Thangavadivelammal had executed a Will dated 18.09.2019 in her favour. The petitioner states that she had been described as (Valarppumahal) in the said documents. Based on the same, the petitioner moved the third respondent and obtained legal heir certificate in her favour. The same was questioned by the petitioner's brother, before the Revenue Divisional Office,



Paramakudi, who cancelled the legal heir certificate. This order of cancellation has been put to challenge in this writ petition.

3.I am of the view that the order passed by the Revenue Divisional Officer cannot be faulted. This is a case in which, there are rival claimants. The rival claimant, namely, Mr.Muthu is the brother of the petitioner. The petitioner's claim is that she was brought up as Valarppumahal of Thangavadi velammal. There are issues that can be necessarily adjudicated only by the jurisdictional Civil Court. That is exactly what the second respondent has directed.

4. The impugned order is sustained. The writ petition is dismissed. At this stage, the petitioner's counsel states that the petitioner would file a declaration suit, in this regard within a period of four weeks from the date of receipt of a copy of this order.

5. The petitioner is a woman and also a senior citizen. The jurisdictional Civil Court in which the petitioner is proposing to file the suit, shall dispose of the same on merits and in accordance with law within period of 8 months from the date of filing of the suit. The petitioner shall of course implead the rival claimant, namely, Mr.Muthu.

6.This Writ Petition is dismissed with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Revenue Divisional Officer,
Paramakudi, Ramanathapuram District.

3.The Thasildar,
Mudukulathur Taluk,
Mudukulathur, Ramanathapuram District.

+1 CC to SGP (SR-17409[F] dated 18/09/2020)

W.P. (MD) No.11861 of 2020

16.09.2020

(CO)

NR (19/10/2020) 3P : 5C