



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.20475 OF 2015

AND

M.P.NO.1 OF 2015

1. S.Kavithaiselvi
2. Shamundeeswari

... Petitioners

.Vs.

1. The District Collector,
Viluppuram District,
Viluppuram.
2. The Tahsildar,
Viluppuram District,
Viluppuram.
3. The Director of Health Department,
Chennai - 600 006.
4. The Deputy Director of Health Service,
Kallakurichi.
5. Sagadevan
6. The Principal Civil Doctor,
Government Primary Health Centre,
Iruvelpattu, Kallakurichi.

... Respondents

PRAYER:-

Writ Petition filed Under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandumus, calling for the records of the Legal Heir Certificate in Pa.Mu./A4/9388/2014 dated 20.09.2014 issued by the second respondent and quash the same and directing the second respondent to issue the fresh Legal Heir Certificate in the name of the petitioners.



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For Petitioners : Mr.S.Parthasarathy

For Respondents : Mr.K.M.D.Muhilan
Government Advocate
For R1 to R4 & R6

No appearance for R5

O R D E R

The relief sought for in the present Writ Petition is to quash the Legal Heir Certificate issued by the second respondent on 20.09.2014 and to direct the second respondent to issue a fresh Legal Heir Certificate.

2. On perusal of the affidavit filed in support of the Writ Petition would establish that there are disputes for issuance of Legal Heirship Certificate. Such a dispute cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India. In respect of the validity of marriage or otherwise are to be resolved through Competent Civil Court of Law based on documents and evidences. Thus, the dispute in Legal Heirship Certificate is to be adjudicated before the appropriate forum.

3. Accordingly, the petitioners are at liberty to approach the Competent Civil Court of law for the purpose of resolving the issues and redress the grievances.

4. With this liberty, this Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vji / Sp

To

1. The District Collector,
Viluppuram District,
Viluppuram.



2. The Tahsildar,
Viluppuram District,
Viluppuram.

3. The Director of Health Department,
Chennai - 600 006.

4. The Deputy Director of Health Service,
Kallakurichi.

5. The Principal Civil Doctor,
Government Primary Health Centre,
Iruvelpattu, Kallakurichi.

+1cc to Mr.S.Parthasarathy, Advocate, S.R.No.52896

+1cc to the Government Pleader, S.R.No.53181

W.P.NO.20475 OF 2015 AND
M.P.NO.1 OF 2015

PMK(CO)
PBS/28/10/2021