

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2021

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.9136 of 2021
(Heard Through VC)

S.Shafi Mohammed

..

Petitioner

Vs.

1.The District Collector,
Chennai District,
M. Singaavelar Malligai,
Fourth Floor, No.62, Rajaji Salai,
Chennai Collectorate,
Chennai - 600 001.

2.The Revenue Divisional Officer /
Sub Collector,
Chennai North Division,
No.473, Tondiarpet High Road,
Chennai - 600 081.

3.The Tahsildar,
Perambur Taluk,
Perambur Main Road,
Perambur, Chennai - 600 011.

4.The Tahsildar,
Purasaiwakkam Taluk,
No.3, Raja Muthiah Road,
Subramania Salai,
Kannappar Thidal,
Periamet, Chennai - 600 003.

5. S.B.Wasila Banu

6. M.Abdul Hameed

.. Respondents

* * *

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the entire records of the second respondent in respect of the rejection order passed in Na.Ka.No.A2/1911/2019 dated 19.02.2020 and quash the same and

consequently direct the Respondents 1 to 4 to cancel the legal heirship certificate issued to Mrs.Wasila Banu in Ni.Mu.No.(E3)/25991/2009 dated 09.10.2009 and Ni.Mu.No.(E3)/13409/2012 dated 15.05.2012 by the third respondent.

For Petitioner : Ms.Anissa Chaudhary

For Respondents 1 to 4: Mr.V.Shanmugasundar
Special Government Pleader

O R D E R

The writ petition has been filed challenging the rejection order passed by the second respondent in Na.Ka.No.A2/1911/2019 dated 19.02.2020 and for a consequential direction to the respondents 1 to 4 to cancel the legal heirship certificate issued to Mrs.Wasila Banu in Ni.Mu.No.(E3)/25991/2009 dated 09.10.2009 and Ni.Mu.No.(E3)/13409/2012 dated 15.05.2012 by the third respondent.

2. Mr.V.Shanmugasundar, learned Special Government Pleader takes notice on behalf of the respondent Nos.1 to 4. Since no adverse order is passed against the respondent Nos.5 and 6, notice to the respondent Nos.5 and 6 is dispensed with.

3. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

4. The impugned order challenged is with respect to the cancellation of legal heirship certificate obtained by Mrs.Wasila Banu. The second respondent-Revenue Divisional Officer has passed an order in Na.Ka.No.A2/1911/2019 dated 19.02.2020 stating that there are Civil Suits pending before the lower court and hence, the request of the petitioner cannot be considered. Aggrieved by the above order, the present writ petition has been filed.

5. In the affidavit filed in support of the writ petition, the petitioner has set out in detail the legal heirship of Mrs.Imam Bi, who died on 27.06.2002 and also Mr.S.Abdul Rahim, who died on 28.08.2010. However, once a dispute is raised, these matters have to be decided by the Civil Court. It appears that there was also a Rent Control Proceedings pending in R.C.A.No.384 of 2019. When the petitioner has made a specific allegation that the legal heirship certificate was obtained from the third respondent illegally, based on which, the fifth respondent has created settlement deed in favour of her husband, it would be appropriate for the parties to approach the Civil Court and get their disputes resolved and the same cannot be decided in the writ petition under Article 226 of Constitution

of India. Therefore the parties are directed to approach the Civil Court to resolve their dispute, in the manner known to law.

6. In view of the above, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

rsi

To

1.The District Collector,
Chennai District,
M. Singaavelar Malligai,
Fourth Floor, No.62, Rajaji Salai,
Chennai Collectorate,
Chennai - 600 001.

2.The Revenue Divisional Officer /
Sub Collector,
Chennai North Division,
No.473, Tondiarpet High Road,
Chennai - 600 081.

3.The Tahsildar,
Perambur Taluk,
Perambur Main Road,
Perambur, Chennai - 600 011.

4.The Tahsildar,
Purasaiwakkam Taluk,
No.3, Raja Muthiah Road,
Subramania Salai,
Kannappar Thidal,
Periamet, Chennai - 600 003.

WEB COPY

W.P.No.9136 of 2021

AJB(CO)
CB(30/06/2021)