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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.11.2021

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.7953 of 2018
and
W.M.P.No.9907 of 2018

1.Mrs.Fathima
2.Mohamed Kasim Raja (Minor) ...Petitioners

(P2 Minor Son impleaded as per order dated 10/01/2020
made in WMP No.32047/2019 in WP No.7953/2018)

..Vs..

1.The District Collector,
O/o.The Collector of Chennai,
Rajaji Salai,
Chennai - 600 001.

2.The Tahsildar,
Mambalam,
Guindy Taluk,
Chennai - 600 033.

3.The Sub Registrar,
O/o.The Sub Registrar,
Virugambakkam,
Chennai - 600 093.

4.Mrs.Rasima Beevi

5.A.Syed Ammal

6.Tajudeen

7.A.Kadher Meera

8.A.Sajitha Begum

9.The Tahsildar,
Alangudi Taluk,
Pudukottai District - 622 301.

...Respondents

(R9 impleaded as per order dated 10/01/2020 made in WMP
No.32047/2019 in WP No.7953/2018)



PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to cancel the legal heir ship certificate dated 06.01.2014 issued by the 3rd respondent Tahsildar, Mambalam - Guindy Taluk, Chennai, based on consideration of the petitioner's representation dated 03.03.2018.

For Petitioners : Mr.S.S.Vasudevan

For Respondents : Mr.V.Nanmaran
Additional Government Pleader
for R1 to R3

Mr.Anirudh
for Mr.A.Sikkandar for R5 to R8

R4 - Deceased

ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the 1st respondent to cancel the legal heir ship certificate dated 06.01.2014 issued by the 3rd respondent Tahsildar, Mambalam - Guindy Taluk, Chennai, based on consideration of the petitioner's representation dated 03.03.2018.

2. The case of the petitioners is that they have obtained the legal heir ship certificate from Tahsildar, Alangudi, and they are the original legal heirs of the deceased and the certificate issued by the Tahsildar, Mambalam-Guindy Taluk, is not legally sustainable and they are not legal heirs of the deceased Abdul Kareem.

3. Here there are two set of pleas i.e., the petitioners have obtained legal heir ship certificate from the Tahsildar, Alangudi and the respondents 5 to 8 have obtained legal heir ship certificate from the Tahsildar, Mambalam, stating that they are legal heirs. Now the issue to be decided in this matter is which legal heir ship certificate is legally valid, who is the legally wedded wife and who all are legally entitled for the estate of the deceased Abdul Kareem. All these disputed facts cannot be decided in the writ petition and for such disputed facts, the petitioner has to approach the competent Civil Court of law. The relief now sought for by the petitioner cannot be granted in the writ petition under Article 226 of Constitution of India.

4. Accordingly, this writ petition stands dismissed. No



costs. Consequently, connected miscellaneous petition is closed. However, this Court grants liberty to the parties to approach the competent Court of law.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Pns

To

- 1.The District Collector,
O/o.The Collector of Chennai,
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Chennai - 600 001.
- 2.The Tahsildar,
Mambalam,
Guindy Taluk,
Chennai - 600 033.
- 3.The Sub Registrar,
O/o.The Sub Registrar,
Virugambakkam,
Chennai - 600 093.
- 4.The Tahsildar,
Alangudi Taluk,
Pudukottai District - 622 301.

+1cc to Mr.S.S.Vasudevan, Advocate, S.R.No.59274
+1cc to Mr.A.Sikkandar, Advocate, S.R.No.59927
+1cc to the Government Pleader, S.R.No.60025

W.P.No.7953 of 2018
and
W.M.P.No.9907 of 2018

EV(CO)
SB(07/12/2021)