



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2021

WEB COPY

CORAM:

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

WP NO.28256 OF 2016

A.Jakkriya

.. Petitioner

Vs.

- 1 The Tahsildar
Office of the Tahsildar, Aminjikarai,
Chennai-107.
- 2 Shajathi Beevi

.. Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent in his proceedings Che.Mu.No.E2 2013-2015 dated 5.4.2016 quash the same and consequently directing the 1st respondent to issue Legal Heirship Certificate to the petitioner Tmt.Shajathi Beevi Wife of Late Thastagir, A.Shajahan Son of Allaudeen, A.Iqbal Son of Allaudeen (brothers), Y.Ponnumuthu Beevi, Daughter of Allaudeen and K.Salamath Beevi, Daughter of Allaudeen (Sisters).

For Petitioner : Mr.Krishnan Ravindran

For Respondents : Mr.K.M.D.Muhilan (for R1)
Government Advocate.

ORDER

The relief sought for in the present writ petition is to quash the order of rejection dated 05.04.2016 rejecting the claim of the writ petitioner to include him as the legal heir of the late Thastagir.



2. The petitioner claims that he is the Class-II legal heir and his name has to be included in the Legal Heir Certificate issued by the Tahsildhar, Aminjikarai, Chennai. The Tahsildhar/1st respondent in the impugned order dated 05.04.2016 has stated that an enquiry was conducted pursuant to the order passed by this Court in WP No.29519 of 2014 dated 06.01.2015 and accordingly, one Smt.Shajathee is the Class-I legal heir of the Late Thastagir and therefore, the petitioner cannot be included as Class-II legal heir in the Legal Heir Certificate.

3. Even in case the petitioner has a right in this regard, he has to approach the competent civil Court of law for getting an appropriate declaration and in the absence of any such declaration the revenue authorities may not be in a position to include the name of the petitioner in the Legal Heir Certificate. The revenue authorities conduct enquiry, which is administrative in nature and such an administrative enquiry cannot be the decisive factor to ascertain the civil rights of the persons. The civil rights are to be decided by the competent civil Court of law after a full fledged trial, which is to be conducted by following the procedures.

4. The learned counsel for the petitioner brought to the notice of this Court that already a civil suit in O.S.No.1291 of 2019 was filed and is pending on the file of the XVII Additional City Civil Court, Chennai.

5. This being the factum, the petitioner has to pursue the matter in the civil suit already pending and the relief as such sought for in the present writ petition cannot be granted.

6. Accordingly, the writ petition stands dismissed. No Costs.

Sd/-
Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

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To

1. The Tahsildar
Office of the Tahsildar, Aminjikarai,
Chennai-107.

2. The XVII Additional Judge,
City Civil Court, Chennai.

+2ccs to Mr.Krishnan Ravindran, Advocate, S.R.No.48778

+1cc to the Government Pleader, S.R.No.48982

WP No.28256 of 2016

PVS(CO)
RLP(12/10/2021)