



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 19500 of 2021

M. Suganthi

.. Petitioner

Versus

1. The District Collector
Coimbatore District
Coimbatore
2. The Sub Collector
Pollachi
Coimbatore District
3. The Tahsildar
Office of the Tahsildar
Pollachi Taluk
Coimbatore District

4. Baby @ M. Selvanayagam

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the third respondent from proceeding with any enquiry for cancellation of the legal heirship certificate No.TN-720-200-616891 dated 10.07.2020 issued by the third respondent to the petitioner and her son as the legal heirs of the petitioner's husband Late R. Muthusamy, based on the contested claim of the 4th respondent made by her after 1-1/2 years since the death of the petitioner's husband as if she is the wife of the petitioner's husband

For Petitioner : Mr. M. Purushothaman

For Respondents : Mr. G. Krishnaraja
Government Counsel (For R1 - R3)

O R D E R

The present writ petition has been filed seeking to issue a Writ of Mandamus to forbear the third respondent from proceeding with any enquiry for cancellation of the legal heirship certificate issued by the third respondent declaring the



petitioner and her son as the legal heirs of Late R. Muthusamy, based on the claim of the 4th respondent.

2. According to the petitioner, she and her son are the legal heirs of her deceased husband Muthusamy. However, the fourth respondent had made a sham representation to the third respondent to cancel the legal heirship certificate issued in favour of her and her son on the ground that she is the legally wedded wife of Late. Muthusamy. Further, the third respondent had sent a notice for enquiry to the petitioner and had issued a proceeding in Na.Ka.No.1336 /1/Aa2 dated 08.07.2021 to the Sub Registrar, Udumalpet not to register any document pertaining to the properties in S.F.No. 347/A1, 344/6 and 343/4. Feeling aggrieved, the petitioner made a representation to the respondents 1 to 3 requesting not to proceed with the enquiry based on the application of the fourth respondent as it is sham.

3. The learned counsel for the petitioner vehemently contended that the fourth respondent had made an application without any valid documents to cancel the legal heirship certificate and patta issued in favour of the petitioner and her son, however, the third respondent issued a proceeding requesting the registering authorities not to entertain any documents that may be presented in relation to the aforesaid survey numbers instead of advising the fourth respondent to approach competent civil court.

3. Heard both sides. Considering the limited relief sought in this writ petition, this court, without going into the merits of the case, directs the third respondent to consider the petitioner's representation dated 28.07.2021 and pass appropriate orders, on merits and in accordance with law, after affording reasonable opportunity of hearing to the petitioner and the fourth respondent, within a period of six weeks from the date of receipt of a copy of this order.

4. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

dhk/rsh



To

1. The District Collector
Coimbatore District
Coimbatore

2. The Sub Collector
Pollachi
Coimbatore District

3. The Tahsildar
Office of the Tahsildar
Pollachi Taluk
Coimbatore District

+1cc to Mr.M.Purushothaman, Advocate, S.R.No.46828
+1cc to the Government Pleader, S.R.No. 47220

W.P. No. 19500 of 2021

PCH(CO)
GN(11/10/2021)