



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 24.02.2021

CORAM

THE HON'BLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.3507 of 2021

Vasantha

... Petitioner

-vs-

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Singampunari Taluk,
Sivagangai District.

3.Pushpam

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating the impugned order passed by the second respondent in Na.Ka.No.A1/1739/2020, dated 12.06.2020 and quash the same and consequently, direct the second respondent to issue the legal heirship certificate in favour of the petitioner including the third respondent and her children, within the time frame fixed by this Court.

For Petitioner : Mr.M.Prabu

For Respondents : Mr.C.Ramesh

Special Government Pleader

ORDER

What is challenged in the Writ Petition is the order passed by the second respondent stating that the third respondent, who is the second wife of the petitioner's deceased husband, would not be shown as a legal heir. The petitioner has not chosen to explain why the third respondent who is actually aggrieved by the order is not a petitioner before this Court.

2.The petitioner has come up with this Writ Petition on behalf of the third respondent and seeking relief for the third respondent and nothing has been explained in the affidavit as to why she has chosen to represent the third respondent and whether she has any power to represent the interest of the third respondent in this regard or not. Merely because the petitioner and the third respondent happened to be sisters, that has not given her any right



to maintain this Writ Petition and to espouse the interest of the third respondent without any authority. Even otherwise, the proper course open to the petitioner is to have recourse to civil remedy and not before this Court under Article 226 of the Constitution of India in regard to the subject matter of the Writ Petition.

3. Therefore, both on the ground of locus standi as well as on merits this Writ Petition cannot be entertained and accordingly, the same is dismissed. No costs.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SRM

To

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Singampunari Taluk,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-7499[F] dated 26/02/2021)

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tp(CO)

TR(09.04.2021) 2P 4C