



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2021

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHANW.P.(MD)No.17832 of 2020 andW.M.P.(MD)No.14866 of 2020

WEB COPY

V.Maheswari

... Petitioner

Vs.

1. The Tahsildar,
Madurai North Taluk,
Madurai District.

2. V.Thalirkodi

3. V.Surya

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned Legal Heirship certificate bearing certificate No.TN7201912231346 dated 23.01.2020 on the file of the first respondent and quash the same as illegal.

For Petitioner : No appearance.

For R-1 : Mr.C.Ramar,
Additional Government Pleader.

For R-2 & R-3 : M/s.T.Villavankothai

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O R D E R

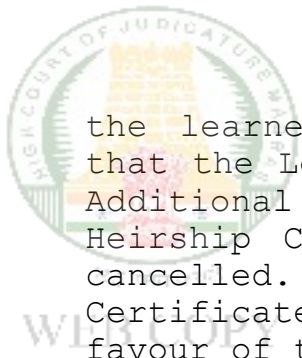
None appears for the petitioner.

2. The petitioner claims to be the daughter of one Vikraman. According to the petitioner, Vikraman got married to one Arumaikani and through her, the petitioner was born. She however admits that the marriage between Vikraman and the mother was dissolved through Court Decree dated 17.08.2005 in H.M.O.P.No.412 of 2004 on the file of the Family Court, Madurai. The petitioner Vikraman passed away on 14.07.2019. Vikraman was working as driver in Tamil Nadu State Transport Corporation. While so, respondents 2 and 3 applied to the first respondent and obtained Legal Heirship Certificate.

3. The stand of the private respondents is that after the divorce, Vikraman got married to Thalirkodi second respondent herein and through the said marriage, the third respondent Surya was born. The petitioner objected for showing respondents 2 and 3 as legal heirs of Vikraman. Thereupon, the first respondent cancelled the Legal Heirship Certificate issued in favour of respondents 2 and 3 and issued Legal Heirship Certificate indicating the writ petitioner alone as the legal heir of Vikraman.

4. In this writ petition, the Legal Heirship Certificate issued in favour of respondents 2 and 3 is put to challenge. Though

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the learned counsel appearing for the private respondents states that the Legal Heirship Certificate has been cancelled, the learned Additional Government Pleader would clarify that till date the Legal Heirship Certificate issued to respondents 2 and 3 has not been cancelled. Thus before this Court, there are two Legal Heirship Certificates; one in favour of respondents 2 and 3 and the other in favour of the writ petitioner.

5. When such disputes arise, I am afraid, it would not be open to the first respondent to adjudicate the same. It is only for the jurisdictional civil Court to go into the issue and give a proper declaration as regards who are legal heirs.

6. In this view of the matter, relegating the parties to move the jurisdictional civil Court or the Family Court, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pmu

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

The Tahsildar,
Madurai North Taluk,
Madurai District.

+1 CC to M/s.GP (SR-3099[F] dated 03/02/2021)

+1 CC to M/s.T.VILLAVAN KOTHAI, Advocate (SR-3186[F] dated 04/02/2021)

W.P. (MD) No. 17832 of 2020
02.02.2021

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MJ(CO)

KK(16.02.2021) 2P 4C

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