

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.9786 and 9787 of 2009
and M.P.No.1 of 2009 (in both petitions)

K.R.Andu Gowder ...Petitioner in both petitions

Vs.

1.The State of Tamil Nadu
rep.by its Revenue Secretary,
Revenue Department,
Fort St.George,
Chennai 600 009.

2.The Principal Secretary and
Commissioner of Land Administration,
Ezhilagam, Chennai 600 005.

3.The District Revenue Officer,
Nilgris District, Nilgiris.

4.The Revenue Divisional Officer,
Konnur, Nilgiri District.

5.The Tahsildar,
Konnur, Nilgiris District. ...Respondents in both petitions

6.K.R.Arjunan ...6th Respondents in W.P.No.9786/2009
and 8th Respondent in W.P.No.9787/2009

6.R.Balakrishnan

7.Kamatchi ...Respondents 6 & 7 in W.P.No.9787/2009

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the certified order of the 3rd respondent in Na.ka.No.Q4/8458/07 and Q4/68435/06 dated 19.10.2007 and 30.10.2007 respectively and quash the same.

For petitioner
in both petitions: Mr.P.R.Balasubramanian
For RR1 to R5
in both petitions: Mr.T.Chezhiyan
Additional Government Pleader

For R6 in W.P.No.9786/2009
For R6 to 8 inW.P.No.9787/2009: Ms.AL.Gandhimathi

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the records relating to the certified order of the 3rd respondent in Na.ka.No.Q4/8458/07 and Q4/68435/06 dated 19.10.2007 and 30.10.2007 respectively and quash the same.

2. The petitioner is claiming Class II legal heir of one K.R.Raju, who passed away on 24.03.2002, without any Class I legal heir. It is further alleged that the private respondents created a forged Will, based on which they mutated the revenue records. For cancelling the said records which stands in the name of the private respondent, the petitioner made application, objecting the mutation of revenue records and issuance of legal heir certificate in favour of the private respondents, however, the said application was rejected. Challenging the same, the present Writ Petition is filed.

3. Ms.A.L.Gandhimathi, learned counsel appearing for the private respondents submitted that the said K.R.Raju, executed the Will in favour of the private respondents and in this regard, the Probate Petition is also pending before this Court in O.P.No.182/2009 and hence this Court may pass order that till the disposal of the said probate petition, the official respondents may be directed not to mutate any records in favour of them and issue certificate to the persons, who are claiming the disputed property.

4. The learned counsel appearing for the petitioner has no serious objections and he also requests this Court to issue direction to the official respondents not to mutate any revenue record in respect of the very same subject property, till the disposal of the probate petition.

5. In view of the consent view expressed by the respective learned counsel appearing for the petitioner and the private respondents, the official respondents are directed to maintain Status Quo in respect of the property claimed by the petitioner as well as the private respondents, till the disposal of the Probate Petition and after disposal of the said petition, liberty is granted to the parties to proceed the matter in accordance with law.

6. These Writ Petitions are disposed of. No costs. Consequently connected miscellaneous petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Revenue Secretary,
State of Tamil Nadu
Revenue Department,
Fort St.George,
Chennai 600 009.
- 2.The Principal Secretary and
Commissioner of Land Administration,
Ezhilagam, Chennai 600 005.
- 3.The District Revenue Officer,
Nilgris District, Nilgiris.
- 4.The Revenue Divisional Officer,
Konnur, Nilgiri District.
- 5.The Tahsildar,
Konnur, Nilgiris District.

+2 Ccs to M/s.A.L. Gandhimathi, Advocate sr 11178 & 11179
+2 Ccs to Mr.P.R.Balasubramanian, Advocate sr 11162 & 11163.
+1 CC to The Government Pleader sr 11581.

W.P.Nos.9786 and 9787 of 2009

NMI (CO)
SP(17/03/2022)