



W.P.No.7008 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

CORAM

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

W.P.No.7008 of 2016
and
W.M.P.No.6217 of 2016

Dhanalakshmi

... Petitioner

Vs

1.The District Collector,
Collectorate, Tiruppur District.

2.The Revenue Divisional Officer,
Tiruppur.

3.The Tahsildar,
Tiruppur District.

4.Palaniammal

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to call for the records pertaining to the order dated 09.02.2016 made in Moo.Mu.311/2015/A4 on the file of the second respondent, quash the same.



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For Petitioner : No appearance
For Respondents :
For R1 to R3 : Mr.Naveen Kumar
Government Advocate

ORDER

Though the learned Government Advocate for the first to third respondents submits that the petitioner has withdrawn the vakalat in the year 2017 itself, the petitioner's counsel name has been printed in the cause list and he has no further instructions in this case.

2. There is no representation on behalf of the petitioner and the fourth respondent. The official respondents though represented by their counsel have also not filed any counter.

3. The petitioner has filed this writ petition challenging the impugned order dated 09.02.2016 passed by the second respondent the Revenue Divisional Officer in his proceedings bearing Moo.Mu.311/2015/A4. By the impugned proceedings/order, the Legal Heirship Certificate granted to the petitioner has been cancelled/rejected at the behest of the fourth respondent.



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4. The facts on record indicate that the fourth respondent has filed a suit in O.S.No.477 of 2011 before the Principal Sub Court, Tiruppur, which is said to be pending on the date of filing of the present writ petition. The fourth respondent has also filed an application for cancellation of the Legal Heirship Certificate granted to the petitioner.

5. According to the fourth respondent, the fourth respondent is the first wife and that the petitioner has suppressed the material fact and had obtained Legal Heirship Certificate from the third respondent Tahsildar on 07.10.2010 based on the spot inspection and after apprehending a detailed enquiry.

6. The finding of the facts based on which the second respondent cancelled the Legal Heirship Certificate granted to the petitioner cannot be decided under Article 226 of the Constitution of India as there are several disputed questions of fact. It is therefore open for the petitioner to file a collateral suit, to declare that the petitioner is the surviving Legal Heir of Late Jothimani and that the fourth respondent and her children are not the legal heirs of Late Jothimani.

C.SARAVANAN, J.



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WEB COPY 7. There is no merits to challenge the impugned order dated 09.02.2016 passed by the second respondent.

8. Accordingly, this Writ Petition is dismissed with the above liberty. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

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Index: Yes/No
Speaking/Non-Speaking Order

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To

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- 3.The Tahsildar,
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