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W.P.No.24877 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.24877 of 2022

1.Samiathal
2.Nallammal

... Petitioners

Vs.

1.The District Registrar,
District Registration Office,
Tiruppur District.

2.Palanisamy
3.Kalaiarasan
4.Muthusamy
5.Gowri
6.Thilagavathi

7.The Sub Registrar,
Sub Registrar Office,
Kangeyam,
Tiruppur District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus direct the first respondent to consider the petitioner's petition dated 28.03.2022 and to pass order for cancelling



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the documents No.11929/23.11.2011, 1894/2019, dated 09.04.2019, 4880/2021 dated 31.08.2001 and document No.5060/2021 dated 06.09.2021 registered before the seventh respondent by producing the illegal legal heir certificate which was wrongly obtained by the second respondent.

For Petitioners : Mr.A.Kumar

For Respondents : Mr.E.Vijay Anand for R1
Additional Government Pleader
Mr.R.Venkatesan
for M/s.Right Law Associates

ORDER

The petitioners have filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent to consider the petitioner's petition dated 28.03.2022 and to pass order for cancelling the document Nos.11929/23.11.2011, 1894/2019, dated 09.04.2019, 4880/2021 dated 31.08.2001 and document No.5060/2021 dated 06.09.2021 registered before the seventh respondent by producing the illegal legal heir certificate which was wrongly obtained by the second respondent.



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2.The case of the petitioners is that the petitioners are sisters and the second respondent is their brother. Their father died on 18.09.1984. Thereafter, the second respondent in order to grab their father's property, obtained legal heir certificate on 13.08.2001 as if he is the only legal heir of their father and thereafter created several documents in the name of his wife, son and daughters. On coming to know about the same, the petitioners applied for legal certificate before the Thasildhar and after conducting enquiry, the Thasildhar issued legal heir certificate dated 10.03.2022 to the petitioners.

3.The further case of the petitioners is that thereafter, the petitioners made representation before the Revenue Divisional Officer, Dharapuram for inclusion of their name in the patta and for cancellation of legal heir certificate dated 13.08.2001. After conducting detailed enquiry, the Revenue Divisional Officer, Dharapuram, vide order dated 29.08.2022 cancelled the legal heir certificate dated 13.08.2001 and ordered to include the name of the petitioners in the patta. The petitioners also made representation before the first respondent on 28.03.2022 seeking to cancel document Nos.11929/23.11.2011, 1894/2019, dated 09.04.2019, 4880/2021



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dated 31.08.2001 and document No.5060/2021 dated 06.09.2021 and since the same has not yet been considered, has filed this writ petition.

4.The learned counsel appearing for the petitioners submitted that the petitioners and private respondents are same family members and hence, this Court may grant liberty to the petitioners to file appropriate suit before the competent civil Court as against the second respondent for appropriate relief.

5.The learned counsel appearing for the second respondent raise no serious objection.

6.Considering the limited request now made by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the case, grants liberty to the petitioners to approach the competent civil Court for appropriate relief. If any such suit is filed by the petitioners, the concerned Court shall decide the suit without being influenced by any of the observations made by the Revenue Officials.



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7.The writ petition is accordingly disposed of. No costs.

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1.The District Registrar,
District Registration Office,
Tiruppur District.

2.The Sub Registrar,
Sub Registrar Office,
Kangeyam,
Tiruppur District.



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M.DHANDAPANI,J.
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