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Writ Petition No.26219 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24/11/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition No.26219 of 2017

M. Rajarathinam

...

Petitioner

Vs

1. The District Collector
Dharmapuri District
Dharmapuri.
2. The Revenue Divisional Officer
Dharmapuri District
Dharmapuri.
3. The Tahsildar
Palacode Taluk
Palacode
Dharmapuri District.
4. Muthusamy

...

Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari to call for the records relating to the impugned order, dated 4/8/2017 signed on 10/8/2017 in his proceedings in Maa.aa.ma.ku.thee.manu.No.602168/2017 passed by the third respondent and quash the same.



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For Petitioner ... Mr.C.Prabhakaran
For respondents ... Mr.D.Gopal
Government Advocate
for R.1 to 3.

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ORDER

This writ petition has been filed to quash the impugned order, dated 4/8/2017 passed by the third respondent in Maa.aa.ma.ku.thee.manu.No.602168/2017.

2. The case of the petitioner is that the petitioner is the son of one Muthusamy, S/o. Chinnana Gounder. Fourth respondent is trying to get legal heirship certificate, as if he is the legal heir of Chinnanna Gounder. Knowing the said fact, the petitioner has made objection to the respondents 1 to 3 and on consideration of the same, action was dropped by the third respondent. But the fourth respondent is taking steps to get the legal heirship certificate. Hence, filed a suit in O.S.No.2 of 2016 before the District Munsif Court, Palacode, seeking for permanent injunction. Since the fourth respondent is taking repeated steps to get legal heirship certificate, petitioner had made several representations. Vide, impugned order, dated 4/8/2017, third respondent, rejecting the request of the petitioner on the ground that Civil Suit is pending. Hence, the petitioner has come forward



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with the instant writ petition praying for the relief as stated therein.

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3. Heard Mr.C.Prabhakaran, learned counsel for the petitioner and Mr.D.Gopal, learned Government Advocate for the respondents 1 to 3.

4. Without going into the merits of the case and also considering the fact that Civil Suits are pending, at this juncture, this Court is not inclined to pass any orders for the reason that legal heir of the Chinnanna Gounder has to be decided by the trial Court.

5. In such a view of the matter, this writ petition is closed. No costs.

24/11/2022

Index : Yes / No

Internet: Yes

Speaking/non speaking order

mvs.

N. SATHISH KUMAR, J



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mvs.

To

1. The District Collector
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Dharmapuri.
2. The Revenue Divisional Officer
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