



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

**W.P. (MD)No.7304 of 2022**

**and W.M.P. (MD) .No.5540 of 2022**

WEB COPY

Jegadeeshwaran

.. Petitioner

Vs

1.The District Collector,  
Collectorate,  
Karur District, Karur.

2.The District Revenue Officer,  
Karur District, Karur.

3.The Revenue Divisional Officer,  
Kulithalai, Karur District.

4.The Tahsildar,  
Krishnarayapuram Taluk,  
Karur District, Karur.

5.Malliga

Portraying as W/o. Late Subramani @ Balasubramanian

and in reality W/o. Late Murugesan.

.. Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3<sup>rd</sup> Respondent to cancel the Legal Heir Certificate in Certificate No. TN-720181119522, dated 12.12.2018, issued by the 4<sup>th</sup> Respondent in favour of the 5<sup>th</sup> Respondent.

For Petitioner

: Mr.V.Kannan

For Respondents

: Mr.D.Sasikumar for R1 to R4

Additional Government Pleader

**ORDER**

This writ petition has been filed for a Mandamus seeking for a direction to the third respondent to cancel the Legal Heir Certificate in Certificate No. TN-720181119522, dated 12.12.2018, issued by the fourth respondent in favour of the 5<sup>th</sup> respondent.

2.The case of the petitioner is that the 5<sup>th</sup> respondent has got a Legal Heirship Certificate in her favour on 12.12.2018, issued by the 4<sup>th</sup> respondent based on a decree, dated 11.10.2018, passed in O.S.No.151 of 2018, which according to the petitioner is a nullity. According to the petitioner, the 5<sup>th</sup> respondent is not the legal heir of the deceased Subramani @ Balasubramanian. The petitioner also

petitioner

3. Heard Mr.V.Kannan, learned counsel appearing for the petitioner and Mr.D.Sasikumar, learned Additional Government Pleader, who accept notice on behalf of the respondents 1 to 4.

4. The petitioner having already filed a civil suit to declare the Judgment and decree, dated 11.10.2018, passed in O.S.No.151 of 2018, under which the 5<sup>th</sup> respondent is declared as a legal heir for the deceased Subramani @ Balasubramanian, the only remedy available for the petitioner is to approach the Civil Court in his civil suit seeking for appropriate reliefs against the 5<sup>th</sup> respondent. The petitioner has filed the suit O.S.No.93 of 2020 on the file of the District Munsif Court, Kulithalai, which was transferred to the file of District Munsif-cum-Judicial Magistrate Court, Krishnarayapuram and renumbered as O.S.No.226 of 2021 and in the said suit the petitioner has sought for the relief of declaration to declare the judgment and decree, dated 11.10.2018, passed in the suit filed by the 5<sup>th</sup> respondent in O.S.No.151 of 2018 as a nullity on the ground that 5<sup>th</sup> respondent is not a legal heir of the deceased Subramani @ Balasubramanian and on the ground that the petitioner was not heard in the said proceedings. Having already filed a suit, the relief sought for in this writ petition cannot be granted by this Court. If at all the petitioner is seeking for any appropriate relief to protect his interest with regard to any other properties, it is for the petitioner to approach the civil Court in O.S.No.226 of 2021, pending on the file of the District Munsif-cum-Judicial Magistrate Court, Krishnarayapuram or by way of any separate civil proceedings against the 5<sup>th</sup> respondent. This Court cannot grant any relief to the petitioner under Article 226 of the Constitution of India, that too, when the petitioner has already filed a civil suit and there are many disputed questions of facts involved.

5. For the foregoing reasons, this writ petition is disposed of by giving liberty to the petitioner to approach the civil Court either in O.S.No.226 of 2021, pending on the file of the District Munsif-cum-Judicial Magistrate Court, Krishnarayapuram or by filing a separate suit seeking appropriate reliefs against the 5<sup>th</sup>



respondent to protect the petitioner's interest in any of the properties, which is also claimed by the 5<sup>th</sup> respondent in the manner known to the petitioner under law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

**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

- 1.The District Collector, Collectorate, Karur District, Karur.
  - 2.The District Revenue Officer, Karur District, Karur.
  - 3.The Revenue Divisional Officer, Kulithalai, Karur District.
  - 4.The Tahsildar, Krishnarayapuram Taluk, Karur District, Karur.
- +1 CC to M/s.SPL.GP. ( SR-19761[F] dated 20/04/2022 )
- +1 CC to M/s.V. KANNAN, Advocate ( SR-20027[F] dated 21/04/2022 )

W.P. (MD)No.7304 of 2022  
19.04.2022

SRR(CO)  
KB(02.05.2022) 3P 7C