



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.9837 of 2022

Sahull Hameedh

.. Petitioner

Vs

1.The District Collector,
Madurai District, Madurai.

2.The Revenue Divisional Officer,
Usilampatti Division,
Madurai District.

3.The Tahsildar,
Peraiyur Taluk,
Madurai District.

4.Fathima Beevi.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents not to proceed further except following due process of law and provide an opportunity for other legal heirs for their explanation in respect of third respondents's proceedings in Na.Ka.No.06/2022/A4 dated 11.05.2022 based on the representation dated 12.05.2022.

For Petitioner : Mr.R.Balamuruganantham

For Respondent : Mr.S.Kameshwaran,
Govt. Advocate for R1 to R3

Mr.J.Sulthan Basha for R4

ORDER

This writ petition has been filed for a mandamus to direct the respondents not to proceed further with the enquiry pursuant to the direction given by this Court in the earlier writ petition filed by the fourth respondent in W.P(MD) No.4752 of 2022. The said direction was given on 17.03.2022 by this Court. The fourth respondent was excluded as legal heir of the deceased though she is the mother. In



such circumstances, the fourth respondent had filed the earlier writ petition in W.P(MD) No.4752 of 2022. By order dated 17.03.2022 in the said writ petition, this Court directed the third respondent to pass final orders on the petitioner's representation dated 03.01.2022 seeking for cancellation of legal heirship certificate dated 26.12.2016 issued in the name of Ibrahimsha, the petitioner's father and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner therein as well as other legal heirs of the deceased Ibrahimsha and also any other necessary parties, whom the third respondent deem fit to enquire within a period of eight weeks from the date of receipt of a copy of the said order. Pursuant to the aforementioned order, an enquiry has also been commenced, as submitted by learned counsel for the fourth respondent as well as the learned Government Advocate appearing for respondents 1 to 3. It is also contended by them that despite having served notice on the petitioner herein, he has chosen not to appear for the enquiry. Without appearing for the enquiry, the present writ petition has been filed to stall the said enquiry.

2. Learned counsel for the petitioner would submit that though the petitioner did not appear, his mother namely Rawiya Beham, the daughter-in-law of deceased had appeared in the enquiry proceedings, but on the date of the enquiry, the Tahsildar was not present.

3. The interest of the petitioner has been fully protected by this Court and as per the earlier order dated 17.03.2022 passed in W.P(MD) No.4752 of 2022, he will also have to be heard in the enquiry proceedings before passing any final orders pursuant to the directions given by this Court in the earlier writ petition on 17.03.2022. Even before participating in the enquiry proceedings and without waiting for the final order, the petitioner has approached this Court to stall the enquiry proceedings which has already been initiated. Therefore, the present writ petition cannot be entertained by this Court and the petitioner will have to participate in the enquiry proceedings and wait for the outcome of the final order to be passed by the Tahsildar pursuant to the directions given by this Court on 17.03.2022 in W.P(MD) No.4752 of 2022.

4. For the foregoing reasons, this writ petition is disposed of by directing the petitioner to appear for enquiry before the third respondent, who has already commenced the same in compliance of the directions given by this Court on 17.03.2022 in W.P(MD) No.4752 of 2022. The third respondent shall afford a fair hearing to the petitioner and comply with the directions of this Court which was given on 17.03.2022 in W.P(MD) No.4752 of 2022.

5. In view of the earlier non-cooperation of the petitioner in the enquiry proceedings, a delay has now crept and learned Government Advocate appearing for the third respondent seeks further



directed to pass final orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Vacation Officer/
Assistant Registrar

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Revenue Divisional Officer,
Usilampatti Division,
Madurai District.
- 3.The Tahsildar,
Peraiyur Taluk,
Madurai District.

+1 CC to M/s.SPL.GP (SR-24035[F] dated 23/05/2022)

+1 CC to M/s.R. BALA MURUGANANTHAM, Advocate (SR-24000[F] dated 23/05/2022)

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20.05.2022

RK(01/06/2022) 3P 6C