



W.P(MD)No.41 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.41 of 2015
and
M.P(MD)Nos.1 to 3 of 2015

K.Gnanasundaram

... Petitioner

Vs.

1.The Tahsildhar,
Vedachandur Taluk,
Vedachandur,
Dindigul District.

2.Angayarkanni

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent enquiry notice in Na.Ka: 26458/2014/U, dated 29.12.2014 and set aside the same and consequently direct the first respondent to direct the second respondent to work out her remedy in appropriate forum in accordance with law.



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For Petitioner : M/s.A.Haja Mohideen
For R-1 : M/s.M.Lingadurai
Special Government Pleader
For R-2 : M/s.C.Ezhilarasu

ORDER

The present Writ Petition has been filed challenging an enquiry notice issued by the first respondent herein, calling the petitioner for an enquiry relating to legal heirship certificate.

2. According to the petitioner, Jeya is the first wife of one Kathirkamu @ Pitchai. Through the said Jeya, the petitioner and one Mahalakshmi were born to the said Kathirkamu. The said Kathirkamu had passed away on 15.12.2013 and a legal heir certificate has been issued by the first respondent herein on 07.01.2014 for the first wife, the writ petitioner and his sister Mahalakshmi.

3. According to the learned Counsel for the petitioner, a notice has been issued by the first respondent herein on 29.12.2014, to conduct a re-enquiry on the petition submitted by the second respondent herein.



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Once a legal heir certificate has been issued by the competent authority, thereafter, at the request of the second respondent, the enquiry cannot be conducted again. The learned Counsel for the petitioner further submitted that Angayarkanni claims to be the daughter of said Kathirkamu through the alleged second wife. Hence, she has to approach only the competent civil Court.

4. The learned Counsel appearing for the second respondent herein contended that on 05.01.2015, an enquiry was conducted by the first respondent and the first respondent had arrived at a finding that the issue relates to a dispute between two wives of deceased Kathirkamu and hence, he has directed both the parties to approach the competent civil Court. The enquiry has been closed by the first respondent herein on 05.01.2015.

5. In view of the above said facts, the quashing of notice issued by the first respondent for enquiry, does not arise at this stage. Already orders have been passed by the first respondent herein in consonance with the prayer sought for by the writ petitioner. In view of the above



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said facts, nothing survives in the present writ petition. However, the second respondent is at liberty to approach the competent civil Court to establish her legal heirship.

6. With the above said observation, the writ petition stands closed.

There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

28.11.2022

Index : Yes / No
Internet : Yes / No
btr

To

The Tahsildhar,
Vedachandur Taluk,
Vedachandur,
Dindigul District.



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R.VIJAYAKUMAR, J.

btr

Order made in
W.P(MD)No.41 of 2015

28.11.2022