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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2023

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.4786 of 2023

and

W.M.P.No.4794 of 2023

1.V.Dhanapal
2.Radhamani
3.Thangaraj

.. Petitioner

Vs.

1.The District Revenue Officer,
Coimbatore District,
Coimbatore.

2.The Revenue Divisional Officer,
Coimbatore - North Division,
Coimbatore.

3.Tahsildar,
Coimbatore – North Taluk,
Coimbatore.

4.V.Palaniammal

5.K.Vanieswari

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records pertaining to order of the 1st respondent in Reference No.Pa.Mu.13924/2022/E5 dated 30.01.2023 confirming the order of the 2nd respondent in Mu.Mu.3403/A2/2021 dated 09.05.2022 and to quash the same.

For Petitioner	.. Mr.A.E.Ravi Chandran
For Respondents	.. Ms.P.Rajarajeswari, Government Advocate

ORDER

This writ petition has been filed in the nature of a Certiorari, seeking interference with an order of the 1st respondent / District Revenue Officer, Coimbatore dated 30.01.2023 by which order the 1st respondent had confirmed the earlier order of the 2nd respondent / Revenue Divisional Officer, Coimbatore – North Division, which order was dated 09.05.2022.

2.The petitioners herein are arrayed as defendants in O.S.No.304 of 2020 now pending on the file of the District Munsif Court at Coimbatore. The said suit had been filed by the 4th and 5th respondent herein. Quite apart



from them, the Tahsildar, North Taluk, Coimbatore and the District Collector are also defendants. Incidentally, the Tahsildar is the 3rd respondent in the present writ petition. The relief sought in that particular suit was to declare that the plaintiffs therein and the 1st and 3rd defendants / writ petitioners herein are the legal heirs of late N.Vijaykumar who died on 13.02.2019.

3.Once there is an issue seeking declaration that the parties to the suit are the legal heirs, then a duty is cast on the District Munsif to examine that particular aspect on the basis of the pleadings presented and on the basis of the evidence presented and thereafter, to render a considered decision.

4.Short circuiting that particular process, the 1st and 2nd respondents appear to have entered into a discussion on the very same issue namely, the issue of legal heirs of N.Vijayakumar. The impugned order had come to be passed, wherein it had been stated that if an application is filed through online seeking legal heirship certificate relating to N.Vijayakumar, then the same could be considered.



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5.The very propriety of the said official in passing such order is questioned by Mr.A.E.Ravichandran, learned counsel for the petitioner herein.

6.When a Civil Suit is pending, it would only be appropriate that the revenue authorities await the decision in the Civil Suit. They would only fail in their duty, if they overreach themselves and try to pass orders, which would only reflect back on them.

7.Let the parties join issues in the Civil Suit and let the District Munsif, Coimbatore, examine the issue relating to declaration of legal heirs of N.Vijayakumar and give a considered judgment. But till then, let the revenue authorities whether they are parties to the suit or not, refrain themselves from passing any orders.

8.With the above observations and even though notice is not directed to the 4th and 5th respondents, this Writ Petition stands allowed. No costs. Both the impugned orders are set aside and a direction is given for all



concerned to abide by the directions of the District Munsif Court,
Coimbatore. Consequently, connected Miscellaneous Petition is closed.

20.02.2023

(1/2)

Index:Yes/No
Internet:Yes/No
smv

To

- 1.The District Revenue Officer,
Coimbatore District,
Coimbatore.
- 2.The Revenue Divisional Officer,
Coimbatore - North Division,
Coimbatore.
- 3.Tahsildar,
Coimbatore – North Taluk,
Coimbatore.



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C.V.KARTHIKEYAN,J.

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