



W.P.No.8798 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.8798 of 2023 and
W.M.P.No.8975 of 2023

Sindhubairavi

... Petitioner

Vs.

1. The District Collector of Krishnagiri,
O/o.District Collectorate,
Krishnagiri.
2. The Sub Collector,
Sub Divisional Office,
Dhenkanikotta Road, Hosur – 635 109.
3. The Revenue Inspector,
O/o.The Taluk Office,
Dhenkanikotta to Sub Jail Road,
Shanthi Nagar East, Hosur – 635 109.
4. The Tahsildar,
O/o.The Taluk Office,
Dhenkanikotta to Sub Jail Road,
Shanthi Nagar East, Hosur – 635 109.

5. Deepa

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records pertaining to the order dated 10.12.2022 made in Na.Ka.No.2567/2022/A4 of the 2nd



W.P.No.8798 of 2023

respondent, and to quash the same.

For Petitioner : Mr.V.R.Anna Gandhi
For R1 to R4 : Mr.E.Veda Bagath Singh
Special Government Pleader

ORDER

Aggrieved by the cancellation of legal heir certificate issued by the fourth respondent / Tahsildar, the petitioner is before this Court.

2. Mr.E.Veda Bagath Singh, learned Special Government Pleader takes notice on behalf of the respondents 1 to 4. In view of the consent expressed by the learned counsel appearing on either side, this writ petition is taken up for final disposal at the admission stage itself.

3. Admittedly there is a dispute between the petitioner and the fifth respondent and a suit is pending before the District Munsif Court, Hosur in O.S.No.81 of 2022 filed by the petitioner. The petitioner claims that she is one of the legal heir of late K.Srinivasan. After his death she obtained legal heirship certificate dated 18.02.2022. Upon coming to know that the fifth respondent is also claiming to be the wife of her father, the petitioner has filed a suit before the District Munsif Court, Hosur which is pending as on date.



W.P.No.8798 of 2023

WEB COPY

4. In this writ petition, the petitioner seeks to quash the cancellation of legal heir certificate issued to the petitioner. It is seen that the petitioner has approached the civil Court for the same cause of action. The petitioner cannot ride multiple horses at a time for the same cause of action. Since the issue involved in this writ petition concerns factual disputes, this Court sitting under Article 226 of Constitution of India cannot go into factual issues of the matter. Hence, the petitioner can pursue the suit before the Civil Court and raise all contentions raised in this writ petition.

5. In the light of the same, this writ petition stands dismissed. The petitioner and the fifth respondent are at liberty to workout the remedy before the civil forum. No costs. Consequently connected miscellaneous petition is closed.

21.03.2023

Index : Yes / No
Speaking order / Nonspeaking order
Neutral Citation Case : Yes / No
(rap)

To
1. The District Collector of Krishnagiri,



W.P.No.8798 of 2023

WEB COPY

O/o.District Collectorate,
Krishnagiri.

2. The Sub Collector,
Sub Divisional Office,
Dhenkanikotta Road, Hosur – 635 109.
3. The Revenue Inspector,
O/o.The Taluk Office,
Dhenkanikotta to Sub Jail Road,
Shanthi Nagar East, Hosur – 635 109.
4. The Tahsildar,
O/o.The Taluk Office,
Dhenkanikotta to Sub Jail Road,
Shanthi Nagar East, Hosur – 635 109.

M.DHANDAPANI, J.



WEB COPY



W.P.No.8798 of 2023

(rap)

W.P.No.8798 of 2023

21.03.2023