



W.P.No.12569 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.04.2023

C O R A M

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.12569 of 2023

C.Krishnan

... Petitioner

Vs

1.The Revenue Divisional Officer,
Krishnagiri,
Krishnagiri District.

2.The Tahsildar,
Uthangarai,
Krishnagiri District.

3.Gowri

4.Kasthuri

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus or any other Writ or Order or Direction in the nature of Writ, directing the first respondent to consider the petitioner's appeal dated 06.01.2023 to cancel the legal heir certificate issued on 28.04.2017 by the second respondent in favour of respondents 3 and 4.



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W.P.No.12569 of 2023

For Petitioner

... M/s.B.Keerthanaa

For Respondents 1 & 2

... Mr.E.Veda Bagath Singh
Special Government Pleader

ORDER

This Writ Petition has been filed for a direction to the first respondent to consider the appeal dated 06.01.2023 filed by the petitioner to cancel the legal heir certificate issued on 28.04.2017 by the second respondent in favour of respondents 3 and 4.

2. Mr.E.Veda Bagath Singh, learned Special Government Pleader takes notice on respondents 1 & 2.

3. Since, no adverse order is being passed against the respondents 3 & 4/private respondents, notice to the private respondents is dispensed with.

4. It is the case of the petitioner that his younger brother namely Kuzhandhai @ Dhanapal died on 25.01.2008 who was unmarried and living with the petitioner until his death. While so, one Baggiyam and their daughters namely Gowri and Kasthuri falsely claiming to be the legal heirs of the



W.P.No.12569 of 2023

petitioner's late brother Kuzhandhai @ Dhanapal, have obtained a legal heirship certificate in their favour from the 2nd respondent. Aggrieved by the same, the petitioner made a representation dated 06.01.2023 to the 1st respondent seeking to cancel the legal heirship certificate. However, till date, no action has been taken on the said representation. Hence, the petitioner has come up with this Writ Petition.

5. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 1st respondent to consider the petitioner's representation dated 06.01.2023 seeking to cancel the legal heirship granted in favour of one Baggiyam and her daughters in respect of the petitioner's late brother and pass appropriate orders on the same within a particular time frame fixed by this Court

6. On the above contention, this Court heard the learned Additional Government Pleader appearing for the respondents 1 & 2.



W.P.No.12569 of 2023

7. The issue involved in the present petition pertains to issuance of legal heirship certificate, which being the disputed question of fact, the same cannot be decided by this Court under Article 226. Hence, this Court is not inclined to go into the merits of the case and the prayer sought for in this Writ Petition cannot be acceded to. If at all the petitioner has any grievance, it is open for the petitioner to approach the competent civil court.

8. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

24.04.2023

NHS

Index: Yes/No

Internet: Yes



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W.P.No.12569 of 2023

To

- 1.The Revenue Divisional Officer,
Krishnagiri,
Krishnagiri District.
- 2.The Tahsildar,
Uthangarai,
Krishnagiri District.



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W.P.No.12569 of 2023

M.DHANDAPANI, J

NHS

W.P.No.12569 of 2023

24.04.2023