



WEB COPY



W.P. No.20630 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2023

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P.No.20630 of 2022
and
W.M.P. No.19754 of 2022

Y. Savithiri

...Petitioner

VS.

1. The District Collector,
Collectorate Building,
Singaravelar Maligai,
Chennai – 600 001.

2. The Revenue Division Officer,
No.509, 147-2-3,
Thiruvottiyur High road,
Tondiar Nagar,
Tondiarpet,
Chennai – 600 081.

3. The Tahsildar,
No.2, Perambur High Road,
Perambur,
Chennai – 600 011.

4. Rajeswari

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to impugned order with proceeding of the 2nd respondent in



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Na.Ka.No.A2/1878/2022, dated 18.07.2022 to cancel the legal heirship certificate bearing No.TN-720220404213 issued by the 3rd respondent on 23.04.2022 and quash the same.

For petitioner : Ms.R. Radha Pandian
For respondents : Mr.E. Veda Bagat Singh
SGP for R1 to R3
Mr.G. Muthukumar for R4

ORDER

This writ petition has been filed challenging the order dated 18.07.2022 passed by the 2nd respondent cancelling the Legal Heirship certificate for V. Yuvaraj disclosing the petitioner as his legal heir.

2. The case of the petitioner that she is the legally wedded wife of the deceased V. Yuvaraj. After the demise of V. Yuvaraj, she applied for Legal Heirship Certificate and after conducting due enquiry, the 3rd respondent has issued the said Certificate favouring the petitioner. But on the other hand, the 4th respondent has objected the issuance of the said certificate and preferred an appeal before the 2nd respondent stating that she is the wife of the deceased Yuvaraj. It is alleged that the 4th respondent has married her husband, prior to the marriage between the petitioner and the deceased. Due to the said allegation, the 2nd



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respondent / appellate authority has passed an order on 18.07.2022, thereby cancelling the Legal Heirship Certificate issued by the 3rd respondent. Thus, the petitioner has come up with this Writ Petition challenging the said cancellation.

3. Learned counsel for the petitioner submitted that the 2nd respondent has no authority to cancel the Legal Heirship Certificate issued by the 3rd respondent, since the said certificate was issued after conducting proper enquiry. Hence, the impugned order is unsustainable and requires interference by this Court. Hence, he prays before this Court to quash the impugned order dated 18.07.2022 passed by the 2nd respondent and thereby allowing the instant writ petition.

4. Mr. E. Veda Bagath Singh, learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the 4th respondent has produced documents before the 2nd respondent to substantiate her claim. Accordingly, he submits that the order passed by the 2nd respondent is a valid and legally sustainable one and thus, it calls for no interference of this Court and prays for dismissal of this writ petition.

5. This Court heard and considered the submissions made by the learned counsel on either side and perused the materials placed before it.

6. As there are disputed questions of facts involved, this Court is



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not inclined to issue any positive direction to the petitioner, by exercising its extra-ordinary jurisdiction under Article 226 of the Constitution of India. The only remedy available to the petitioner / aggrieved party is to file a suit before the Competent Civil Court to agitate their issue.

7. In view of the above, without going into the merits of the matter, this writ petition is disposed of by issuing directions to the respondents 1 to 3, not to entertain any application / appeal with regard to issuance of Legal Heirship Certificate for the deceased Yuvaraj, till the succeeding party in the suit approaches them with the requisite application. However, liberty is granted to the petitioner to work out her remedy in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

20.03.2023

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Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2

M.DHANDAPANI, J.



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vsi2

To

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