



WEB COPY



W.P.No.26036 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.03.2023

C O R A M

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

W.P.No.26036 of 2019

and

W.M.P.No.25434 of 2019

S.Santha

... Petitioner

Vs

1.The Tahsildar,  
Purasaiwalkam Region,  
Chennai-600 003.

2. V.Jagan

3.V.Edwin

4.V.Leo

5.V.Anitha

6.V.Peneta

7.V.Ramesh

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8.R.Rathina Kumar

9.R.Ramanan

10.R.Ranjani

11.R.Rajaselvam

12.P.Kamal

13.P.Deepa

14.P.Prabhu

(R2 to R14 mpleaded as per order dated 22.10.2019  
in W.M.P.No.30254 of 2019 in W.P.No.26036 of 2019)

... Respondents

**PRAYER**: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus or any other Writ, order or direction in the form of the writ to call for the records connected with the proceedings issued in Na.Ka.A6/4027/2017 dated 22.12.2017 passed by the Respondent herein and quash the same and consequently direct the Respondent herein to issue legal heir certificate to the petitioner.

For Petitioner ... M/s.S.Ilamvaludhi

For Respondents ... Mr.U.Baranidharan,  
Additional Government Pleader for R1.

... M/s.S.Kingston Jerold for R2 to R6.



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... M/s.F.Najimudeen for R7 to R11.

... No Appearance for R12 to R14.

### **ORDER**

This Writ Petition has been filed seeking to quash the impugned proceedings dated 22.12.2017 passed by the 1<sup>st</sup> respondent.

2. It is the case of the petitioner that she is the second daughter of one A.Aruldoss and Anthoniammal @ Dhanalakshmi who had three children out of their wedlock including the petitioner. The petitioner's late father namely A.Aruldoss had purchased the property in Sr.No.Rs.691/24 Vepery Village No.1, Stingers Road, 1<sup>st</sup> Lane Periamet to an extent of about 1324 sq.ft during his lifetime. After the demise of A.Aruldoss, said Anthoniammal had illicit intimacy with one Arokianathan, out of which, she had three children namely Malliga, Vijayan and Prathaban. The above said property was also settled in favour of her children who were born to her illicit husband. After the demise of said Anthoniammal on 14.11.2000, the petitioner applied for legal heirship



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certificate in favour of late Anthoniammal, however, the same was rejected by the 1<sup>st</sup> respondent vide the present impugned order dated 22.12.2017.

Challenging the same, this Writ Petition has been filed.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. Though very many grounds have been raised by the learned counsel appearing on either side, however, when this Court expressed its view that 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 and this Court cannot grant any relief as sought for in this Writ Petition, learned counsel for the petitioner restricted his prayer and sought permission of this Court to approach the competent civil court for appropriate relief. Hence, this Court without interfering with the impugned order passed by the 1<sup>st</sup> respondent, is inclined to grant liberty to the petitioner to work out her remedy before the competent civil forum.



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5. For the reasons aforesaid, this Writ Petition stands dismissed with the above liberty. There shall be no order as to costs. Consequently, the connected miscellaneous petition stands closed.

**28.03.2023**

Index:Yes/No

Internet:Yes

NHS

To

The Tahsildar,  
Purasaiwalkam Region,  
Chennai-600 003.



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M.DHANDAPANI, J.

NHS

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