



W.P.No.27290 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27290 of 2018

And

W.M.P.Nos.31750 and 31756 of 2018

R.Lakshmi

... Petitioner

Vs.

- 1.The Secretary to Government
Government of Tamil Nadu
Municipal Administration and Water Board,,
Secretariat,
Fort St.George,
Rajaji Salai,
Chennai – 600 009.
- 2.The Secretary to Government
Government of Tamil Nadu,
Revenue Department,
Secretariat,
Fort St.George,
Rajaji Salai,
Chennai – 600 009.
- 3.The District Collector,
Tiruppur,
Tiruppur District.
- 4.The Commissioner,
Tiruppur City Municipal Corporation,
Tiruppur,
Tiruppur District.



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5.The Tahsildar
Tiruppur Taluk (South),
Tiruppur District.

6.The Tahsildar
Mettur Taluk,
Salem District.

7.Shanthi

8.Karthick

9.Bhavatharani

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the impugned proceedings of the respondents 5 and 6 in Mu.Mu.1179/2014/A3 dated 03.04.2014 and in O.Mu.1631/2018/B4 dated 11.04.2018 respectively and quash the same and consequently directing the fifth respondent to issue legal heirship certificate in favour of the petitioner and her children within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.V.Sekar

For Respondents : Mr.U.Baranidaran for R1, R5 & R6
Additional Government Pleader
M/s.Shanthi for R4
M/s.R.Thirumoorthy for R7 to R9



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ORDER

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The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the impugned proceedings of respondents 5 and 6 in Mu.Mu.1179/2014/A3 dated 03.04.2014 and in O.Mu.1631/2018/B4 dated 11.04.2018 respectively and to quash the same and consequently direct the fifth respondent to issue legal heirship certificate in favour of the petitioner and her children within the time stipulated by this Court.

2.The case of the petitioner is that the petitioner's husband Ravi died on 01.03.2014 while he was in service under the fourth respondent. Thereafter the petitioner made application for legal heir certificate and the same was rejected. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that the seventh respondent claim to be the second wife of late Ravi and she obtained legal heir certificate and is also taking effective steps to get compassionate appointment.

4.The issue involved in the present writ petition is disputed question of fact, which cannot be decided in the writ petition under



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Article 226 of the Constitution of India and it can be ventilated only before the competent Civil Forum. Hence, without interfering with the order impugned in this writ petition, this Court grants liberty to the petitioner to approach the competent Civil Forum for appropriate remedy and to raise all the issues before the Civil Forum.

5.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

20.03.2023

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No



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M.DHANDAPANI,J.
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