



W.P(MD)No.5132 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.5132 of 2023

Mohammed Rabi

... Petitioner

Vs

1. The District Collector,
Trichy District, Trichy.
2. The Revenue Divisional Officer,
Srirangam, Trichy District.
3. Saliya Beevi
4. Kurshithu Banu
5. Sheik Dawood
6. Usman Ali

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to consider the petitioner's representation, dated 26.02.2018 forwarded from the 1st respondent by his proceedings in O.Mu.A3/840/2018 dated 14.03.2018.



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For Petitioner : Mr.D.Rameshkumar
For R1 to R2 : Mr.N.Muthu Vijayan
Special Government Pleader

ORDER

Heard, Mr.D.Rameshkumar, learned counsel appearing for the petitioner and Mr.N.Muthu Vijayan, learned Special Government Pleader appearing for the respondents No.1 to 2.

2. The petitioner has a grievance. According to him he is the only son of his father. The respondents 3 to 6 have also been included in records by showing the third respondent as the second wife of his father and respondents 4 to 6 as children born to his father.

3.The petitioner disputes that particular fact.

4.That fact can be established or disproved only through a civil litigation and by instituting a proper civil suit.



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5.The Authorities, to whom he had sent representation never examine that fact.

6.The petitioner may institute a suit for declaration of right over the property and thereafter, the issue whether the third respondent is the second wife or not can be decided in that particular suit. The writ petition cannot be maintained before this Court.

7.The learned counsel for the petitioner states that he has given a representation to the second respondent. Even while examining the representation, the second respondent can never come to any conclusion whether the third respondent is the second wife of the deceased. The petitioner has to file a civil suit to determine that said fact. This Writ Court cannot grant any relief to the petitioner.



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8. Accordingly, this Writ Petition stands dismissed. However, it is

made clear that this Court has not touched upon the merits of the petition.

Mere dismissal should not weigh in the minds of Court, where the Civil Suit, if at all is filed by the petitioner. No costs.

10.03.2023

NCS : Yes/No
Index : Yes / No
Internet: Yes/ No

PNM

To

1. The District Collector,
Trichy District, Trichy.
2. The Revenue Divisional Officer,
Srirangam, Trichy District.



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C.V.KARTHIKEYAN, J.

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