



W.P(MD)No.4732 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 23.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4732 of 2019
and
W.M.P(MD)No.3788 of 2019

J.Kumar

... Petitioner

Vs

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Collectorate, Kokkirakulam,
Tirunelveli District.

3.The Tahsildar,
Thoothukudi Taluk,
Thoothukudi District.

4.The Tahsildar,
Palayamkottai Taluk,
Tirunelveli District.

5.Porkodi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorari, to call for the records pertaining to the



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impugned legal heirship certificate in Pa.Mu.No.2276/2016 dated 20.04.2016 issued by the fourth respondent in favour of the fifth respondent and quash the same.

For Petitioner : Mr.R.Pon Karthikeyan

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
Assisted by
Mr.M.Siddharthan
Additional Government Pleader
for R.1 to R.3 & R.4

Mr.B.Prasanna Vinoth for R.5

ORDER

Heard the learned counsel appearing for the writ petitioner, the learned Additional Advocate General appearing for the official respondents and the learned counsel appearing for the fifth respondent.

2.The writ petitioner challenges the legal heir certificate issued in favour of the fifth respondent. The impugned certificate dated 20.04.2016 issued by the Tahsildar, Palayamkottai reads that Porkodi / the fifth respondent herein is the sister of the deceased Jegannathan. The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and pointed out that already a legal heir certificate dated 22.01.2015 was issued mentioning that the petitioner / J.Kumar was the



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son of the deceased Jegannathan, Dhanalakshmi was wife and Karupaiya was another son of deceased Jegannathan.

3.The learned counsel appearing for the writ petitioner submitted that it is not open to the authorities to issue two different certificates. In any event, when Class I legal heirs are available, legal heir certificate cannot be issued in favour of the Class II legal heir.

4.In normal circumstances, this contention advanced by the learned counsel appearing for the writ petitioner would have definitely found acceptance. But the facts appear to be a little different. The learned Additional Advocate General submitted that a scam of humongous proportions have taken place. He submitted that jurisdictional Police became aware of the same only when Porkodi submitted a complaint sometime in the year 2020. (Her complaint was registered as Crime No.25 of 2020 on the file of Anti Land Grabbing Special Cell, Tirunelveli City). The Police are verge of filing the final report. The investigation officer has already filed a provisional final report.

5.According to the learned Additional Advocate General, the deceased Jegannathan died as bachelor. He had passed away on 24.03.2008. Since he left behind valuable properties worth several crores, in order to grab the same,



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the petitioner and two others have managed to fabricate legal heir certificate dated 22.01.2015. After an elaborate and exhaustive enquiry, it has now been revealed that the said certificate is a rank forgery. The learned Additional Advocate General would further add that the original name of the writ petitioner is Katheresan and that further facts are being unearthed.

6. Based on the said legal heir certificate dated 22.01.2015 Dhanalakshmi and Karupaiya filed a partition suit in O.S.No.91 of 2015 on the file of first Additional Subordinate Judge, Tirunelveli and a consent award was passed before Lok Adalat. Thereafter, Dhanalakshmi and Karupaiya had executed settlement deed in favour of the writ petitioner herein. To have the same set aside as a collusive decree, Porkodi had filed O.S.No.168 of 2022 on the file of Additional Subordinate Judge, Tirunelveli and the same is still pending.

7. When the State authority makes a categorical statement before me that the legal heir certificate dated 22.01.2015 is a rank forgery, it is not open to this Court to interfere with the legal heir certificate dated 20.04.2016 issued in favour of the fifth respondent. The official respondents confirm that the fifth respondent is very much the biological sister of the deceased Jegannathan. Several disputed facts arisen for consideration, they are pending investigation before the jurisdictional police. The jurisdictional civil Court is seized of the



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matter. In these circumstances, the writ jurisdiction cannot be invoked. This writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

23.01.2023

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

MGA

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