



W.A.(MD).No.202 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 11.10.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD).No.202 of 2020

Selvi

.. Appellant/Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Vedasandoor Taluk Office,
Vedasandoor,
Dindigul District.

3.The Village Administrative Officer,
Kalvarpatti Village,
Vedasandoor Taluk,
Dindigul District.

4.The Revenue Inspector,
Vedasandoor Taluk Office,
Dindigul District.

..Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order passed by this Court in W.P.(MD).No.17104 of 2018 dated 03.01.2019.



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For Appellant : Mr.K.Suresh
For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

JUDGMENT

(Judgment of the Court was delivered by S.M.SUBRAMANIAM,J.)

The present Writ Appeal has been instituted against the order dated 03.01.2019 passed in W.P.(MD).No.17104 of 2018.

2. The appellant/petitioner submitted an application seeking legal heir certificate, which was declined. The order passed by the Tahsildar, Vedasandoor Taluk, Dindigul District in Na.Ka.No.5538/2018/A4 dated 22.06.2018 was under challenge in the Writ proceedings. The learned Single Judge considered the issues on merits and made a finding that the appellant is the second wife of the deceased Arumugam.

3. The learned counsel for the appellant made a submission that the appellant is the only wife of the deceased Arumugam. The learned Single Judge has gone into the merits and made a finding, which caused prejudice to the parties.



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4. Such issues relating to the legal heir certificate and the disputes raised thereon have to be adjudicated before the competent Civil Court of law and the Writ Court cannot conduct a roving enquiry in respect of such disputed facts between the parties. Thus, we are of the opinion that the findings made the learned Single Judge are beyond the scope of the power of judicial review under Article 226 of the Constitution of India and the parties are relegated to approach the Civil Court of law for the purpose of resolving the issues in the manner known to law.

5. Accordingly, the order dated 03.01.2019 passed in W.P.(MD). No.17104 of 2018 is set aside and the Writ Appeal stands allowed with liberty to the parties to approach the competent Civil Court of law. There shall be no order as to costs.

(S.M.S.,J.) (V.L.N.,J.)
11.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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