



W.P.(MD)No.15930 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 13.10.2023

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.(MD)No.15930 of 2020
and
W.M.P.(MD)No.13322 of 2020

Sennimalai, S/o.Sivasami

.. Petitioner

Versus

1.The Revenue Divisional Officer,
Dindigul, Dindigul District.

2.V.Manikandan

3.East India Corporation Limited,
Having Registered Office at
No.12H, Sri Ram Complex,
Ram Nagar, By Pass Road,
Madurai – 10,
Rep. Through its Managing Director,
T.Meenakshi

W/o.Karumuthu S.Thiyagarajan

.. Respondents

[R3 is impleaded vide order dated 13.10.2023, in
W.M.P.(MD)No.15106 of 2020]

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent in proceedings dated 21.02.2014 in Na.Ka.No. 1450/2013/A4, whereby the first respondent ordered that legal heirship certificate issued in Pa/Mu/3808/1997/A1, dated 05.02.1997, as cancelled, quash the same and consequently, direct the first respondent to conduct a



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detailed enquiry upon affording sufficient opportunity including oral hearing to the petitioner.

For Petitioner	:	Mr.P.Samuel Gunasingh
For R1	:	Mr.B.Saravanan Additional Government Pleader
For R2	:	Mr.P.R.Prithiviraj
For R3	:	Mr.T.K.Gopalan

ORDER

This Writ Petition has been filed challenging the proceedings of the first respondent, dated 21.02.2014, wherein the first respondent cancelled the Legal Heirship Certificate given by the Tahsildar (East), Dindigul, dated 05.02.1997.

2. The Tahsildar (East), Dindigul, had issued proceedings dated 05.02.1997, by showing one P.Venkata Subbaiyer as though is the son of Palani Subbaiyer instead of Mallikarjunamiyer. The second respondent claims to be the owner of the property, comprised in Survey No.701/2A, measuring an extent of 2400 sq.ft. by virtue of a registered sale deed, dated 28.06.2007. According to the second respondent, the said property originally belonged to Venkata Subbaiyer, S/o.Mallikarjunamiyer. The said Venkata Subbaiyer died in the year 1971 and it is the case of the second respondent that the death



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certificate was fabricated by showing the father of Venkata Subbaiyer as though is the son of Palani Subbaiyer instead of Mallikarjunamiyer. By virtue of this certificate, attempts were made to alienate the properties belonging to Venkata Subbaiyer, who is the predecessor-in-title to the second respondent. The second respondent gave a representation to the District Collector to cancel the Legal Heirship Certificate issued by the Tahsildar and since no action was taken, the second respondent filed a Writ Petition before this Court in W.P. (MD)No.1017 of 2013. The said Writ Petition was disposed of by an order dated 21.01.2013, by directing the Revenue Divisional Officer, Dindigul, to pass final orders within a period of eight weeks. Pursuant to this order, the Revenue Divisional Officer through the proceedings dated 21.02.2014, cancelled the Legal Heirship Certificate issued by the Tahsildar (East), Dindigul. Aggrieved by the same, the present Writ Petition has been filed before this Court.

3. Heard the learned counsel appearing for the parties.

4. The learned counsel appearing on behalf of the petitioner and the second respondent brought to the notice of this Court various documents relied upon by them. It is not necessary for this Court to go into the merits of the case and deal with the issues raised by the learned counsel appearing on



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either side in view of the fact that the petitioner and his principal have already initiated suits in O.S.Nos.181 of 2004, 66 of 2015 and 68 of 2015 and these suits are pending before the Additional District Court, Dindigul.

5. In view of the above, it will be more appropriate to leave the parties to agitate the dispute before the Civil Court. Ultimately, the issue that is involved in this Writ Petition will also be decided by the Civil Court. In view of the same, there is no need to pass any further orders in this Writ Petition, except granting liberty to the petitioner and the second respondent to agitate all the disputes before the competent Civil Court, where the suits are pending.

6. The Writ Petition is disposed of in the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
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13.10.2023
(2/2)

To

The Revenue Divisional Officer,
Dindigul, Dindigul District.



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N.ANAND VENKATESH, J.

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