



W.A.(MD)No.1865 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.A.(MD)No.1865 of 2023

and

C.M.P.(MD)No.14258 of 2023

Vijaya

... Appellant

Vs.

1.The District Collector,
Virudhunagar District, Virudhunagar.

2.The Tahsildar,
Aruppukkottai Taluk, Virudhunagar District.

3.The Tahsildar,
Vilathikulam Taluk, Tuticorin District.

4.Hariharan

5.Paulraj

6.Purushothaman

7.Balasubramanian

...Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed in W.P.(MD)No.12665 of 2022, dated 10.05.2023 on the file of this Court.

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For Appellant : Mr.H.Arumugam
For R1 to R3 : Mr.N.S.Karthikeyan,
Additional Government Pleader
For R4 : Mr.V.Meenakshi Sundaram
For Mr.T.Palanisamy

JUDGMENT

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

The present intra-Court appeal has been instituted challenging the order dated 10.05.2023 passed in W.P.(MD)No.12665 of 2022.

2.The appellant is the writ petitioner, instituted the Writ proceedings to quash the legal heir certificate bearing No.TN-7202111271045, dated 12.12.2021 issued by the Tahsildar, Aruppukottai Taluk, Virudhunagar District / 2nd respondent.

3.The learned Single Judge took note of the fact that civil litigations are pending between the parties before the competent civil Court of law and in the absence of any elaborate adjudication of disputes of civil in nature, the High Court under Article 226 of Constitution of India cannot interfere with the legal heir certificate issued by the authorities competent.



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4.It is brought to our notice that criminal case was also instituted, which is pending before this Court. Since the disputed facts between the parties are to be resolved by conducting full fledged trial in a civil suit instituted, we are not inclined to interfere with the order passed by the learned Single Judge, which is well considered with reference to the facts stated. However, a balanced approach is required in such circumstances and no party shall be allowed to take undue advantage of the legal heir certificate issued by the revenue authorities, which is in dispute.

5.Thus, we are inclined to keep the legal heir certificate issued by the 2nd respondent bearing No.TN-7202111271045, dated 12.12.2021 in abeyance, till such time, the civil disputes are resolved between the parties through competent civil Court of law. After reaching finality in the civil disputes, either of the parties are at liberty to approach the revenue authorities for issuance of legal heir certificate in the manner contemplated. In all other respects, we do not find any infirmity in respect of the findings made by the learned Single Judge.



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6.Accordingly, this Writ Appeal stands disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

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

30.10.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

To

- 1.The District Collector,
Virudhunagar District, Virudhunagar.
- 2.The Tahsildar,
Aruppukkottai Taluk, Virudhunagar District.
- 3.The Tahsildar,
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S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

Yuva

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