



W.P(MD)No.20193 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:13.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.20193 of 2022
and WMP(MD)No.14684 of 2022

M.Fathima Parveen

... Petitioner

Vs

1.The District Collector,
Pudukkottai District, Pudukkottai.

2.The Revenue Divisional Officer,
Pudukkottai, Pudukkottai District.

3.The Tahsildar,
Pudukkottai, Pudukkottai District.

4. Nithyakalyani @ G.J. Neha Baargavi

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records on the file of the third respondent pertaining to its proceeding in Certificate No. TN 7202106072243, dated 24.06.2021 and quash the Legal Heirship Certificate.



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For Petitioner	:Mr.N.Balakrishnan
For R1 to R3	:Mr.N.Muthuvijayan Special Government Pleader
For R4	: Mr.P.Ganapathy Subramanian

ORDER

The petitioner herein is the sister of Fakiri Mohammed, who according to the petitioner, died as a bachelor. However, the fourth respondent claims that she was his wife. It is also so stated in the death certificate of Fakiri Mohammed. Claiming that entry should be removed, the petitioner has filed a civil suit in O.S.No.57 of 2021, which is now pending before the District Munsif Court, Pudukottai.

2.The grievance raised in the present writ petition is that the fourth respondent has also obtained a legal-heir certificate.

3.The evidence, which can let in by the petitioner and the evidence, which can let in by the fourth respondent will be common. The petitioner questions the locus and right of the fourth respondent, while on the other hand, the fourth respondent asserts her right. These are all issues which



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can be decided during the trial, on the basis of evidence let in by the petitioner on the one hand and the evidence of the fourth respondent on other hand. I am confident that the official respondents would abide by the Judgment of the trial Court.

4. With the above directions, this writ petition stands disposed of, directing the parties to go back to the Civil Court for any and all reliefs. No costs. Consequently, connected miscellaneous petition is closed.

13.03.2023

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

PNM

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C.V.KARTHIKEYAN, J.

PNM

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