



W.P.(MD)No.18362 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.18362 of 2021

and

W.M.P(MD)No.15172 of 2021

Jothilakshmi

... Petitioner

Vs.

- 1.The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.
- 2.The Thasildhar,
Vathirayiruppu Taluk,
Virudhunagar District.
- 3.The Revenue Inspector,
Vathirayiruppu Taluk,
Virudhunagar District.
- 4.The Village Administrative Officer,
S.Kodikulam Village,
Vathirayiruppu Taluk,
Virudhunagar District.
- 5.Prabu Balasubramanian

(R5 is impleaded vide Court order
dated 28.02.2023)

... Respondents



W.P.(MD)No.18362 of 2021

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a WRIT OF CERTIORARIFIED MANDAMUS to call for the records pertaining to order dated 23.07.2021 passed bny the 2nd respondent in Muu.Mu.Aa.1/1531/2021 and quash the same as illegal and consequently direct the respondents herein to issue new legal heirship certificate by including solaiyammal, W/o.Late. Somasundaram on the basis of the application dated 08.06.2021 within a stipulated time period in accordance with law.

For Petitioner : Mr.Thanga Aravindh
For R1 to R4 : Mr.M.Lingadurai
Special Government Pleader
For R5 : Mr.Y.Prakash

ORDER

Heard the learned counsel on either side.

2.One Somasundaram passed away on 23.02.2001. The case of the petitioner is that he had as many as four wives and that the petitioner's mother was the third wife. On the other hand, the contesting respondent would claim that there are only three wives and not four wives and that the petitioner's mother Vellaiyammal is not one of the wives. The fifth respondent claims to be the adopted son of Somasundaram.



W.P.(MD)No.18362 of 2021

3. The learned counsel for the sixth respondent produced a copy of the registered Will dated 10.02.1982. On the Will said to have been executed by the Somasundaram, it is stated that even though he was a thrice married, he did not have any issues and that is why he was adopting the fifth respondent.

4. Thus, prima facie contentious and disputed questions of facts arisen for consideration. The second respondent rightly took the view that the petitioner will have to go to the jurisdictional civil Court to establish his claim. No interference is warranted. The petitioner is at liberty to move the jurisdictional civil court to establishing his rights.

5. With this liberty, this writ petition is dismissed. I make it clear that certain objections have been made in this order only for the purpose of giving a disposal to this writ petition and they will not be construed as accepting or endorsing the claim of the fifth respondent. No costs. Consequently, connected miscellaneous petition is closed.

02.03.2023

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

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W.P.(MD)No.18362 of 2021

G.R.SWAMINATHAN,J.

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