



W.P.(MD)No.19461 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.11.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.19461 of 2021

Jainul Abdheen

... Petitioner

vs.

1.The Revenue Divisional Officer cum
Sub Divisional Magistrate,
Office of RDO,
Paramakudi, Ramanathapuram District.

2.Sahubar Satick

... Respondents

(R2 was impleaded vide order of this Court, dated 04.01.2022 in W.M.P.
(MD)No.17235 of 2021)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to consider the petitioner representation dated 13.10.2021 on the file of the respondent within the stipulated time prescribed by this Court.

For Petitioner	:Mr.S.A.S.Alaudeen
For R1	:Ms.D.Farjana Ghoushia
	Special Government Pleader
For R2	:Mr.S.M.A.Jinnah



W.P.(MD)No.19461 of 2021

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ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus directing the first respondent to deal with representation dated 13.01.2021 and pass orders within a time frame fixed by this Court.

2.The grievance of the petitioner is that one Seyed @ Seyadhu Chinnathambi is the maternal grandfather of the petitioner and he owned vast extent of land. He died on 01.03.1935. The grievance of the petitioner is that the second respondent had managed to get legal heirship certificate in the year 2004 and the petitioner's name was omitted to be mentioned as legal heir. The petitioner came to know of it in the year 2016 and the representation was made in the year 2018 before the first respondent. Subsequent representation was also made in the year 2021. Since the same was not considered, the present Writ Petition has been filed before this Court.

3.Heard Mr.S.A.S.Alaudeen, learned Counsel appearing on behalf of the petitioner, Ms.D.Farjana Ghoushia, learned Special Government Pleader appearing on behalf of the first respondent and Mr.S.M.A.Jinnah,



W.P.(MD)No.19461 of 2021

learned Counsel appearing on behalf of the second respondent.

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4.In the considered view of this Court, the scope of the legal heirship certificate granted by the Tahsildar was dealt with by the Full Bench of this Court in the case of ***P.Venkatachalam vs Tahsildar, Kumarapalayam Taluk*** reported in ***2022 (4) CTC 1***. This Court had given detailed guidelines regarding the manner in which such legal heirship certificate can be issued. This Court also considered the scope of filing of an appeal before the Revenue Divisional Officer against the legal heirship certificate granted by the Tahsildar.

5.In the considered view of this Court, the petitioner is questioning the legal heirship certificate that was granted in the year 2004 by giving a representation in the year 2018 and filing a Writ Petition before this Court in the year 2021. It will be too late in the day for the first respondent to deal with the representation made by the petitioner at this length of time. Ultimately, the petitioner is questioning the legal heirship certificate only on the ground that he also has a right over the property of Seyed @ Seyadhu Chinnathambi. Hence, the petitioner can always claim



W.P.(MD)No.19461 of 2021

right over the subject property by establishing his status as a legal heir of Seyed @ Seyadhu Chinnathambi before the competent Civil Court. If any such proceedings are initiated by the petitioner, it goes without saying that the Civil Court will not be bound by the certificate granted by the Tahsildar and it will independently consider the status of the petitioner. Therefore, it will be appropriate for the petitioner to knock the doors of the Civil Court in this regard rather than wasting the time before the first respondent. Except giving this clarity, no further orders can be passed in this Writ Petition.

6.This Writ Petition is disposed of in the above terms. No costs.

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

15.11.2023

cmr

To

The Revenue Divisional Officer cum
Sub Divisional Magistrate,
Office of RDO,
Paramakudi, Ramanathapuram District.

4/5



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W.P.(MD)No.19461 of 2021

N.ANAND VENKATESH, J.

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W.P.(MD)No.19461 of 2021

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