



W.P(MD)No.14773 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14773 of 2015

and

W.M.P(MD)No.1 of 2015

Muthulakshmi

... Petitioner

Vs

1.The Revenue Divisional Officer /
Sub Collector,
Tuticorin,
Tuticorin District.

2.The Tahsidar,
Tuticorin Taluk,
Tuticorin District.

3.Velmurugan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records of the impugned enquiry notice dated 11.08.2015 issued by the first respondent by his proceedings in Na.Ka.A2/3735/2015 and quash the same.



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For Petitioner : Mr.V.Sasikumar

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader
for R.1 & R.2

Mr.R.Aravindan for R.3

ORDER

Heard the learned counsel on either side.

2. One Chinnamalaisamy had passed away. The case of the petitioner is that she was his legally wedded second wife. In her favour, the jurisdictional Tahsildar issued legal heir certificate on 10.07.2015. Thereafter, the third respondent herein who is the nephew of the deceased applied to the Tahsildar for including his name also in the legal heir certificate. The first respondent issued notice to the petitioner for conducting enquiry. Contending that the impugned notice dated 11.08.2017 is without jurisdiction, the present writ petition came to be filed.

3. During the pendency of this writ petition, the third respondent, his mother and sisters filed O.S.No.244 of 2015 on the file of District Munsif Court, Thoothukudi for declaration that they are the legal heirs of the deceased



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Chinnamalaisamy. The Tahsildar and the District Collector alone were shown as defendants. Interestingly, the petitioner who could have been the real contestant was not impleaded as defendant. The suit was dismissed on 27.11.2018. It is not known if any appeal was filed by the third respondent.

4. Be that as it may, when the petitioner lost before the jurisdictional civil Court subsequently, the impugned proceedings can no longer survive, they are quashed. This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

10.07.2023

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

To

1.The Revenue Divisional Officer /
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Tuticorin District.

2.The Tahsildar,
Tuticorin Taluk,
Tuticorin District.



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G.R.SWAMINATHAN, J.

MGA

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