



W.P(MD) No.17205 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :29.08.2023

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P(MD)No.17205 of 2018 and
WMP(MD).No.15170 and 15171 of 2018

Radha

... Petitioner

-Vs-

1. The District Collector,
Thanjavur District,
Collectorate, Thanjavur.
2. The Sub Collector,
Kumbakonam Division,
Taluk Office Complex,
Kumbakonam.
3. The Tahsildar,
Kumbakonam Taluk,
Taluk Office Complex,
Kumbakonam.
4. The District Registrar,
Kumbakonam Registration Department,
Register Office,
Kumbakonam.
5. The Sub Registrar,
Thiruvidai Maruthur,
Thiruvidai Maruthur Taluk,
Thanjavur District.



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6. Inspector of Police,
Kumbakonam East Police Station,
Kumbakonam,
Thanjavur District.

7.B. Premlatha

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for records pertaining to the impugned recommendations passed at Peace Committee Meeting held on 15.07.2018 by the 3rd respondent and quash the same.

For Petitioner : Mr. R. Narayanan

For Respondents 1 and 2 : Mr. M.Sakthikumar
Government Advocate (Crl. Side)

ORDER

This Writ Petition has been filed to call for the records pertaining to the impugned recommendations passed at Peace Committee Meeting held on 15.07.2018 by the 3rd respondent and quash the same.

2. According to the petitioner, she was married earlier to one R.Neelamegam and begot one male child viz., 'Nivas'. Subsequently, her husband died on 30.06.2009. Thereafter, one Senkuttuvan married her and took care of her and her son. The marriage was solemnized as early as on



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21.06.2010 as per Hindu Rites and Customs and therefore, she is legal heir of Late Senkuttuvan. The above said Senkuttuvan died on 25.02.2016. While so, the third respondent issued legal heir certificate in her favour by mentioning her name alone as widow of Late Senkuttuvan. During his life time, the deceased, i.e., the petitioner's husband has executed a Will, dated 09.10.2010 in favour of the petitioner bequeathing the property in S.No. 31/2A admeasuring about 2800 Sq.Ft. After demise of Senkuttuvan, the Will came into force. Hence, she decided to sell the property bequeathed by her husband and the same was sold through the registered sale deed. The 7th respondent herein is the sister of the petitioner's husband Late. Senkuttuvan. Now, after the demise of the petitioner's husband, she is continuously harassing the petitioner to grab the above said property. The 7th respondent made a representation to the first respondent claiming that her brother Senkuttuvan had not married the petitioner and prayed to cancel the legal heir certificate and the same was forwarded to the third respondent and the enquiry was conducted. In the meantime, the 7th respondent along with her men threatened the officials that they are going to conduct Dharna at 3rd respondent's office. Thereafter, they have been called for peace committee meeting and in the above said Peace Committee Meeting, the impugned

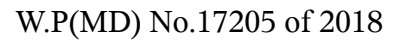


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order was passed without following the procedure. Therefore, the above said recommendations made in the impugned Peace Committee Meeting, dated 15.07.2018 are liable to be quashed.

3. No counter was filed by the respondents.

4. The learned counsel appearing for the petitioner contended that the petitioner married one R.Neelamegam and got one male child, then, the said Neelamegam died on 30.06.2009. Thereafter, the petitioner married one Senkuttuvan on 21.06.2010. Fortunately, the said Senkuttuvan also died on 25.02.2016. During the life time, the said Senkuttuvan executed a Will in favour of the petitioner, dated 09.12.2010 bequeathing the property in S.No. 31/2A, admeasuring about 2800 Sq. Ft. The said Will came into force after the death of the said Senkuttuvan. Thereafter, the said property was sold to the third parties. The 7th respondent, who is the sister of petitioner's husband viz., Senkuttuvan made a representation to the first respondent claiming that the petitioner is not the wife of her brother and no such marriage was solemnized between them and thereby, the said representation was forwarded to the third respondent for enquiry. In the meantime, the 7th



5. The learned Government Advocate (Crl. Side) appearing for the officials respondent would submit that the 7th respondent had given a complaint against the petitioner before the second respondent and the same was forwarded to the third respondent. In the meantime, Peace committee Meeting was conducted and the impugned order was passed. In that order, both the parties affixed their signatures and now, the petitioner is challenging the said order. Therefore, there is no merit in this petition and hence, the same is liable to be dismissed.

6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the official respondents and perused the materials available on record.



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7. A perusal of the records reveals that on 15.07.2018, peace committee meeting was convened by the Tahsildar and both sides appeared and signed in the recommendations made by the Tahsildar. In the above said order, some recommendations were made and as against the said recommendations, the present Writ Petition has been filed. The above said recommendations are only recommendations and they have no legal source. However, now, already the document was released and another document was also registered. Since the documents were already registered the document was released, no further order is required to be passed in this Writ Petition.

8. With the above observation, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

29.08.2023

Index : Yes/No
Internet : Yes/No
trp



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Kumbakonam,
Thanjavur District.
5. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



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P.DHANABAL, J.

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