



W.P(MD)No.1258 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2023

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.1258 of 2016 and
WMP(MD) Nos.1026 & 1027 of 2016

Tmt.Mariammal

Petitioner

Vs.

1.The Revenue Divisional Officer,
Palayamkottai,
Tirunelveli District.

2.The Tahsildar,
Palayamkottai,
Tirunelveli District.

3.Tmt.Vasantha

4.The Manager of the Government Pleader Office,
Office of the Government Pleader,
Madurai Bench of Madras High Court,
Madurai.

Respondents

(R4 is suo motu impleaded vide Court order dated 08.02.2023 by BPJ, in WP(MD) No.1258 of 2016)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari



W.P(MD)No.1258 of 2016

calling for the records of the impugned proceedings by the first respondent in Na.Ka.A5/8740/2010, dated 14.10.2010 and O.MuA7/7890/2013, dated 07.07.2013 quash the same.

For Petitioner	:Mr.P.Deepak
For R1, R2 & R4	:Mr.T.Vilavankothai Additional Government Pleader
For R3	:No appearance

ORDER

This Writ Petition is filed as against the order of the first respondent in Na.Ka.A5/8740/2010, dated 14.10.2010 and O.Mu.A7/7890/2013, dated 07.07.2013, cancelling the legal heir Certificate issued to the petitioner.

2.By the impugned order dated 14.10.2010, the first respondent/Revenue Divisional Officer has cancelled the Legal Heir Certificate issued in favour of the petitioner by the second respondent/Tahsildar on 22.12.2006. The petitioner has also made a request before the first respondent to review the order of cancellation and the same was also rejected by order dated



W.P(MD)No.1258 of 2016

07.07.2013. Therefore, both the proceedings are under challenge in this writ petition.

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3.The learned counsel appearing for the petitioner submits that the petitioner is the wife of one Pichamani, who was working as a Sanitary worker at Veeravanallur Town Panchayat. He died on 17.03.2004 and therefore the petitioner has applied legal heir certificate. The second respondent Tahsildar has also conducted an enquiry and issued a legal heir certificate in favour of the petitioner on 22.12.2006. On the strength of the legal heir certificate, the petitioner has applied for pension benefits of her husband and compassionate ground appointment. In the meantime, the third respondent filed a civil suit in O.S.No.30 of 2007 before the District Munsif cum Judicial Magistrate Court, Cheranmahadevi, seeking for the relief of injunction restraining the Executive Officer, Veeravanallur Town Panchayat from disbursing the pension benefits to the petitioner. Subsequently, the suit was dismissed by the trial Court. However, the first respondent has cancelled the legal heir



W.P(MD)No.1258 of 2016

certificate issued by the Tahsildar in favour of the petitioner on 22.12.2006. Therefore, the petitioner is before this Court.

4.This Court considered the submissions made by the learned counsel appearing for the petitioner and also perused the materials placed on record.

5.On perusal of the records shows that the Revenue Divisional Officer, Tirunelveli before passing the order has verified and found that there is a dispute over the legal heir certificate issued by the Tahsildar in favour of the petitioner that there are other claimants, who are also claiming to be the legal heirs of the deceased Pichamani. It was also observed that the available remedy for the petitioner is to approach the competent civil Court alone.

6.In view of the above, this Writ Petition is dismissed. However, the petitioner is at liberty to work out her remedy before the competent Civil court to obtain a legal heir certificate after



W.P(MD)No.1258 of 2016

arraying the third respondent as a party to the suit. No costs.

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Consequently, connected Miscellaneous Petitions are closed.

13.02.2023

Index : Yes/No
Internet: Yes/No
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To

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Madurai Bench of Madras High Court,
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W.P(MD)No.1258 of 2016

B.PUGALENDHI, J

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Order made in
W.P(MD) No.1258 of 2016 and
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