



W.P(MD)No.4 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:14.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.4 of 2022

S.Muniya Samy Bharathi

... Petitioner

Vs

- 1.The District Collector,
Ramanathapuram,
Ramanathapuram District.
- 2.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
- 3.The Tahsildar,
Kamuthi, Ramanathapuram District.
4. Suresh Kumar

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent's proceedings vide O.Mu./P4/5145/2020, dated 06.11.2020 and set aside the same as illegal and further directing the second respondent to hold the enquiry



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and cancel the forged legal heirship certificates vide the third respondent's proceedings in Pa.Mu.Ali.9858-17, dated 12.12.2017 and in Pa.Mu.A6-1090-17 dated 10.04.2017, by considering the petitioner's representation dated 01.12.2021.

For Petitioner	:Mr.K.Sivabalan
For R1 to R3	:Mr.J.Ashok Additional Government Pleader
For R4	:Mr.M.Karthikeyavenkitachalapathy

ORDER

The Writ Petition has been filed in the nature of certiorarified mandamus, seeking records of the impugned order passed by the second respondent/The Revenue Divisional Officer, Paramakudi, Ramanathapuram District in O.Mu./P4/5145/2020, dated 06.11.2020 and to set aside the same and to direct the second respondent to hold an enquiry and cancel the legal-heirship certificates, issued by the third respondent in Pa.Mu.Ali.9858-17, dated 12.12.2017 and in Pa.Mu.A6-1090-17, dated 10.04.2017, by considering the representation given by the petitioner herein.

2.Both the petitioner and the fourth respondent, claim common ancestry from Nataraja Pillai through such claim is disputed by either side.



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They claims legal-heirship certificate, as children born in the next generation.

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3.A civil suit is pending before the Sub Court, Mudukulathur in O.S.No.18 of 2018, which had been filed by the petitioner claiming the relief of declaration. Later, an amendment had been made seeking title based on a 'Will'. These issues are to be considered only by the learned Sub Judge, Mudukulathur.

4.In the meanwhile, the fourth respondent had applied for legal-heirship certificate and the third respondent had also granted the same.

5.The grievance of the petitioner is that the fourth respondent cannot claim the status of a legal heir. That issue can be decided only by the Civil Court. Even though, the fourth respondent claims relationship as a grand-son of Natarajan Pillai, the said relationship was disputed by the petitioner. But the said issue can be resolved only by the Sub-Court, Mudukulathur on the basis of evidence adduced. Let me not deal with that issue, since it is beyond the scope of the present writ petition.



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6.The writ petition has been filed by the petitioner to direct the second respondent to cancel the legal-heirship certificate, which has already been granted in favour of the fourth respondent herein.

7.In the civil suit, trial has commenced. Evidence is being recorded. Let all aspects be examined in the Civil Court.

8.The third respondent/Tahsildar, Kamuthi, Ramanathapuram District can always revisit, modify, alter the legal-heirship certificate, in accordance with the judgment of the Civil Court. The parties may produce that particular Judgment before the second respondent, who in turn, if required must act upon such Judgment and if required re-examine the legal-heirship certificate already issued. A direction is given to the second respondent/The Revenue Divisional Officer, Paramakudi, Ramanathapuram District, to act in accordance with the decree of trial Court and also the hierarchy, if the matter goes up for an appeal.



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9. With the above directions, this Writ Petition stands disposed of.

No costs.

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NCS : Yes/No

Index : Yes/No

Internet: Yes/No

PNM

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C.V.KARTHIKEYAN, J.

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