



W.P.No.4898 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.4898 of 2023
and WMP.No.4914 of 2023

Kasthuri Kailash Pande

..... Petitioner

Vs.

1.The Collector,
Chennai District,
George Town, Chennai.

2.The Revenue Divisional Officer,
South Chennai Revenue Division,
Guindy, Chennai – 600 032.

3.The Tahsildar,
Alandur Taluk,
Alandur, Chennai – 600 016.

4.Devi

..... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, praying to call for the entire records



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pertaining to the order dated 02.06.2022 passed by the 2nd respondent herein and quash the same consequently direct the 3rd respondent to issue proper legal-heirship certificate for the petitioner and her brother by following the guidelines issued in letter No.9633/RA-3(2)/2022-4 dated 28.09.2022 and also based upon the representation of the petitioner dated 01.12.2022 within a stipulated period and in accordance with law and grant such suitable order.

For Petitioner : Mr.C.Umashankar

For Respondents : Mr.T.Seenivasan
Special Government Pleader
for R1 to R3

ORDER

This writ petition is filed challenging the order passed by the second respondent negating the request of the petitioner to cancel the legal heirship certificate issued by the 3rd respondent recognizing 4th respondent as daughter of one Sathyanarayanan.

2. It is the case of the petitioner that she is the daughter of deceased Sathyanarayanan, who died as a bachelor and therefore, as class-II heirs, she is entitled to get legal heirship certificate in her name. However,



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the 4th respondent by producing the fabricated document obtained a legal heirship certificate in her name. Aggrieved by the same, the petitioner submitted a representation before the second respondent seeking cancellation of the legal heirship certificate issued in favour of 4th respondent. The second respondent by impugned order relegated the parties to appropriate Civil Court. Aggrieved by the same, the petitioner has come before this Court.

3. The 4th respondent filed counter affidavit asserting that she is the daughter of the deceased Sathyanarayanan and in support of her claim, she has also filed various documents in the typed set of papers dated 15.07.2024. The learned counsel for the 4th respondent further submits that the petitioner already instituted a civil suit in O.S.No.526 of 2022 on the file of the District Munsif, Alandur, seeking a declaration that legal heirship certificate issued in favour of 4th respondent was null and void and other consequential relief. Therefore, the learned counsel submits that the writ petition filed by the petitioner for the very same relief is not maintainable.



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4. The learned counsel appearing for the petitioner submits that the suit in O.S.No.526 of 2022 is not instituted by the petitioner and her signature in the plaint was forged. In view of the claim made by the petitioner as well as 4th respondent making allegations raising disputed question of facts, with regard to the question who is the legal heir entitled to the estate of the deceased Sathyanarayanan, it cannot be adjudicated upon in this writ proceedings. The second respondent by impugned order rightly relegated the parties to approach the Civil Court. Therefore, I do not find any error in the impugned order.

5. It is made clear that the impugned order passed by the second respondent will not affect the rights of the petitioner as well as 4th respondent in any way in a properly initiated Civil Proceedings.

6. The learned counsel for the petitioner submits that the 4th respondent is attempting to withdraw the compensation amount deposited before the Civil Court in respect of the property of the deceased which was



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acquired by Government. Unless, the dispute with regard to the legal heirs of the deceased is resolved by the Civil Court, it is not desirable to disburse compensation amount to anybody. It is open to the petitioner to obtain necessary interim protection from the Civil Court.

7. Accordingly, this writ petition stands dismissed with liberty to the parties to agitate their rights before the Civil Court. No costs. Consequently, connected miscellaneous petition is closed.

06.11.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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Alandur, Chennai – 600 016.



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S.SOUNTHAR, J.

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