



WEB COPY



W.P.No.4476 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

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THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.4476 of 2021
and
W.M.P.Nos.5146 & 5147 of 2021

S.Vijayalakshmi

.... Petitioner

Vs

1. The Government of Tamil Nadu,
Represented by its Secretary,
Department of Revenue, Secretariat,
Chennai – 600 009.

2. The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai – 600 005.

3. The Revenue Development Officer,
Tambaram,
Kanchipuram Dist.

4. The Tahsildar,
Alandur Taluk,

5. Valli

.... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India
for the issuance of Writ of Certiorarified Mandamus, calling for the



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records relating to the third respondent's impugned order in proceedings vide letter No.Na.Ka.412/2017/E dated 05.02.2020 and quash the same as illegal and consequently issue an order of direction to cancel the legal heir certificate bearing No.Pa.Mu.2525/2013/A1 dated 18.07.2013 issued by the 4th respondent authority and issue a fresh legal heir certificate by including all the legal heirs of the petitioner's father Late K.Sekar.

For Petitioner : Mr.R.Arumugam
For R1, R3 & R4 : Mr.S.J.Mohammed Sathik
Government Advocate
For R2 : Mr.M.Babu Muthu Meeran
Standing Counsel
For R5 : Mr.D.Alex Sudhakar

ORDER

This Writ Petition has been filed challenging the order passed by the third respondent dated 05.02.2020, thereby rejecting the appeal filed by the petitioner's mother challenging the legal heirship certificate issued by the fourth respondent dated 18.07.2013.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner's mother claims to be the second wife of the deceased Sekar and through her, the petitioner and another son were



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born to the deceased Sekar. However, there are discrepancies about the name of the said Sekar in the records produced by the petitioner's mother as well as the fifth respondent. Therefore, the request made by the petitioner's mother was rejected. However, the petitioner filed a suit in O.S.No.3967 of 2013 on the file of the III Assistant Judge, City Civil Court, Chennai, for declaration declaring that the petitioner is one of the legal heir of the deceased Sekar and also for partition.

4. In view of the above, the issue raised in this writ petition cannot be considered since mixed question of facts and law are involved and it can be resolved only by a Civil Court and the petitioner rightly filed a suit for declaration and partition which is pending on the file of the III Assistant Judge, City Civil Court, Chennai in O.S.NO.3967 of 2013. Therefore, the III Assistant Judge, City Civil Court, Chennai, is directed to dispose of the suit within a period of six months from the date of receipt of a copy of this order. It is made clear that the order passed by the third respondent may not influence the Trial Court while deciding the suit. The petitioner is at liberty to raise all the grounds before the Civil Court. .



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5. With the above direction, this writ petition stands disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

07.06.2024

Internet : Yes
Index : Yes/No
Neutral Citation : Yes/No
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To

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G.K.ILANTHIRAIYAN, J.

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