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W.P.No.26374 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26374 of 2024

And

W.M.P.No.28831 of 2024

Bala Krishnan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Ariyalur,
Ariyalur District.

2.The Tahsildar
Ariyalur Taluk,
Ariyalur District.

3.Manimekalai
4.Vasandha
5.Sumendhiran
6.Vetrivel
7.Kamaladevi Nagarajan
8.Santhi
9.Elavarasan
10.Saroja
11.Sindhanai Selvam
12.Banumathi
13.Saroja
14.Sivamalai

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to



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issue a Writ of Certiorarified Mandamus thereby quash the order passed by the first respondent in Na.Ka.A1/2231/2023 dated 29.04.2024 and consequently direct the second respondent to issue the legal heir certificate.

For Petitioner : Mr.V.Ramamurthy
For Respondents : Mr.R.Neelakandan for R1 and R2
Additional Advocate General
Assisted by
Mr.U.Baranidharan
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus thereby quash the order passed by the first respondent in Na.Ka.A1/2231/2023 dated 29.04.2024 and consequently direct the second respondent to issue the legal heir certificate.

2.The learned counsel appearing for the petitioner submitted that one Elangovan who is the uncle of the petitioner is a bachelor and he died on 02.12.2022 and his parents pre-deceased him and the petitioner is the son of one of his sister Anjalai. One of the



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said

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Elangovan's sister namely, Saroja applied for Class II legal heir certificate before the Tahsildhar, Ariyalur and the Tahsildhar also issued legal heir certificate including the entire 2nd Class legal heirs of the said Elangovan, however, aggrieved by the same, the respondents 12 and 13 filed appeal before the first respondent, pursuant to which the first respondent passed the impugned order.

3.The learned counsel appearing for the petitioner fairly submitted that this Court may permit the petitioner to work out the remedy before the civil Court and issue direction to the civil Court to decide the issue, without being influenced by any of the observations made in the order impugned in this writ petition and prayed this Court to observe that the impugned order is subject to the result of the civil suit to be filed by the petitioner.

4.In view of the above, this Court permits the petitioner to work out the remedy before the civil Court. If any civil suit is filed by the petitioner, the concerned civil Court shall decide the issue, without being influenced by any of the observations made in the order



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impugned in this writ petition. The order passed by the first

M.DHANDAPANI,J.
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respondent in Na.Ka.A1/2231/2023 dated 29.04.2024 is subject to the result of the civil suit to be filed by the petitioner.

5.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

11.09.2024

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Ariyalur,
Ariyalur District.

2.The Tahsildar
Ariyalur Taluk,
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And

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