



WEB COPY

W.P.No.27257 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.27257 of 2022

and

W.M.P.Nos. 26457 of 2022 & 6155 of 2024

1.Hazeena @ Srimathy
2.Sulaiman

.. Petitioners

VS

1.The District Collector,
Thiruvallur District.
2.The Revenue Divisional Officer (RDO),
Thiruvallur, Thiruvallur District.
3.The Tahsildar,
Poonamallee Taluk, Thiruvallur District.
4.Sivakumar
5.Samikumar

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records pertaining to the revision order passed by the 1st respondent in Na.Ka.No.25528/2021/D2 dated 25.08.2022 and confirming appeal order of 2nd respondent in Na.Ka.No.1110/2021/A4 dated 27.02.2021 and confirming Legal Heir Certificate of the 3rd respondent in Certificate No. TN-722106142933 dated 18.06.2021 and quash the same, and direct the 4th to 5th respondents not to operate the legal heir certificate



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issued by the 3rd respondent in Certificate No. TN-7202106142933
dated 18.06.2021 in accordance with law.

For Petitioners : Mr.S.Ramajayam

For Respondents : Mr.S.John J Raja Singh
Additional Government Pleader
for R1 to R3
R4, R5 – No Appearance
Mr.V.Prakash, Senior Counsel
for Mr.R.Gokulraj
for the proposed respondents

ORDER

The petitioner has filed this writ petition challenging legal heirship certificate issued by 3R / Tahsildar, Poonamallee dated 18.06.2021 confirmed in appeal vide orders dated 27.07.2021 and 25.08.2022.

2. According to petitioners, they are the legitimate legal heirs of Mohammed Hussaian @ G.Ramachandran and Jameela. Per the narration of facts in the affidavit filed in support of writ petition, said Mohammed Hussaian @ G.Ramachandran married, a second time, one R.P.Poorani, in 1973 and had from that wedlock, two children arrayed as R4 & R5 in this matter.

3. R4 and R5 have obtained a legal heirship certificate from R3 / Tahsildar to the effect that they are the only legal heirs of Mohammed Hussaian @ G.Ramachandran. The petitioners contested



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the legal heirship certificate seeking inclusion of their names as well. This is on the premise that the said Mohammed Hussaian @ G.Ramachandran, Jameela & R.P. Poorani and their children had lived together as a joint family. They thus claim that all four offspring i.e., petitioners, R4 & R5 are legal heirs of Mohammed Hussaian @ G.Ramachandran.

4. The petitioners have filed a suit in O.S.No.150 of 2022 before the Additional District Munsif, Poonamallee, where the prayers are as follows:-

"(a) For a declaration to declare that the Plaintiffs and the 3rd and 4th Defendants are the legal heirs of Late Mr.Mohammed Hussaian @ G.Ramachandran who died intestate on 02.06.2021;
(b) For a declaration that the Legal Heirship Certificate No. TN-7202106142953 dated 15.06.2021 issued by the 1st Defendant is null and void and not binding on the Plaintiffs;
(c) For a mandatory injunction directing the 1st Defendant to issue Legal Heirship Certificate for Late Mr.Mohammed Hussaian @ G.Ramachandran in favour of the Plaintiffs and Defendants 3 and 4 herein;
(d) for the cost of this Suit; and
(e) for such other relief or reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice."

5. This Court is not inclined to delve into the factual background of the legal heirship of the parties as this is for the Sub-Court to decide.



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6. That suit, however, has been stalled by virtue of an order of status quo that has been granted on 13.10.2022 in this writ petition.

7. While this is so, third parties, who claim to have purchased certain immovable properties from the petitioner's father have sought impleadment in the present writ petition on the ground that their rights are affected by virtue of the family disputes of the petitioners and the private respondents.

8. The petitioners seeking impleadment would allege that this suit is itself collusive and is a joint attempt by the petitioners and the respondents to deprive them of the immovable properties purchased by them from Mohammed Hussaian @ G.Ramachdnaran. They claim to have made substantial payments towards the properties by availing bank loans and that their interests have been prejudiced very greatly by the civil suit filed by the petitioners in collusion with private respondents, where they have not been arrayed.

9. This Court is of the considered and categoric opinion that the title of the property and the lawful legal heirship of all parties must be left to the Sub-Court to decide.

10. Thus, the order of status quo granted on 13.10.2022 is vacated. It is unnecessary to order the implead petition in this writ



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petition and petitioners seeking impleadement will be impleaded as parties in the pending civil suit.

11. With the order of status quo vacated, nothing stops the Additional District Munsif, Poonamallee to proceed with hearing of the matter. Seeing as the suit is of the year 2022, there is a direction to Additional District Munsif, Poonamallee to decide the suit expeditiously and not later than six months from date of receipt of a copy of this order, in accordance with law.

12. This writ petition is closed in terms of this order. No costs. Connected miscellaneous petitions are closed.

19.03.2024

Index:Yes/No
Neutral Citation:Yes
ssm

To

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DR. ANITA SUMANTH,J.

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