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W.P.No.26485 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26485 of 2024

And

W.M.P.Nos.28956 and 28957 of 2024

S.Ponnusamy

... Petitioner

Vs.

1.The District Collector
O/o.the District Collector,
Kallakurchi District,
Kallakurchi.

2.The Revenue Divisional Officer,
O/o.the Revenue Divisional Officer,
Kallakurchi District,
Kallakurchi.

3.The Tahsildar
O/o.the Tahsildar
Salem Main Passage,
Chinnasalem – 606 201.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 12.07.2024, in Moo.Mu.A6/1937/2024 of the second respondent and quash the same and consequentially direct the third respondent to refrain from registering the death of deceased Kolanjiammal on 13.04.2021, in the name of Kokila.



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For Petitioner : Mr.R.Gopinath

For Respondents : Mr.R.Neelakandan
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 to call for the records relating to the impugned order dated 12.07.2024, in Moo.Mu.A6/1937/2024 of the second respondent and quash the same and consequentially direct the third respondent to refrain from registering the death of deceased Kolanjiammal on 13.04.2021, in the name of Kokila.

2.The learned counsel appearing for the petitioner submitted that the petitioner's brother Dhanapal is a bachelor and he died on 14.12.2012 and the petitioner is the only legal heir of the deceased Dhanapal. Whiles, one Kolanjiammal changed her name as Kokila and claimed herself as the wife of Dhanapal and the said Kolanjiammal died on 14.04.2021 and after her demise some persons took coercive steps to secure death certificate of the said Kolanjiammal in the name of Kokila W/o.Dhanapal. Objecting the



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same, the petitioner made representation to the third respondent, pursuant to which the second respondent passed the impugned order.

3.The learned counsel appearing for the petitioner further submitted that the petitioner has filed O.S.No.75 of 2013 before the District Munsif Court, Kallakurchi seeking to declare that the petitioner is the only legal heir of his deceased brother Dhanapal and the same is pending. Hence, this Court may permit the petitioner to work out the remedy before the District Munsif Court, Kallakurchi in O.S.No.75 of 2013 and issue direction to the District Munsif Court, Kallakurchi to decide O.S.No.75 of 2013, 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 suit in O.S.No.75 of 2013.

4.In view of the above, this Court permits the petitioner to work out the remedy before the District Munsif Court, Kallakurchi in O.S.No.75 of 2013. The District Munsif Court, Kallakurchi shall independently decide the issue in O.S.No.75 of 2013, without being influenced by any of the observations made in the order impugned in this writ petition. The order passed by the second respondent



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dated 12.07.2024, in Moo.Mu.A6/1937/2024 is subject to the result of the suit in O.S.No.75 of 2013.

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

11.09.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

- 1.The District Collector
O/o.the District Collector,
Kallakurchi District,
Kallakurchi.
- 2.The Revenue Divisional Officer,
O/o.the Revenue Divisional Officer,
Kallakurchi District,
Kallakurchi.
- 3.The Tahsildar
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