



WEB COPY



WP.No.33488 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2024

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP.No.33488 of 2023
and W.M.P.No.30144 of 2024

Raj

.. Petitioner

Versus

1. The District Collector
Thiruvallur District

2.The District Revenue Officer
Thiruvallur District

3.The Sub Collector
Thiruvallur District
Office of the Revenue Divisional Officer
Thiruvallur

4.The Tahsildar
Avadi, Thiruvallur District

5.Mariammal .. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records which culminated in passing the order bearing Na.Ka.No.454478/2023/D2 dated 26.09.2023 on the file of the second respondent and quash the same.

For Petitioner : Mr.M.Elumalai

For Respondents : Mr.R.Neelakandan, AAG
Mr.U.Baranidharan for R1 to R4
Additional Government Pleader
Mr.A.V.Arun for R5

ORDER



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This writ petition is filed challenging the order of the second respondent in Na.Ka.No.454478/2023/D2 dated 26.09.2023 and quash the same.

2. The case of the writ petitioner is that the petitioner was born out of the wedlock of Mrs.Grace Elisa and Xavier. Pursuant to the death of the petitioner's mother, Xavier contracted marriage with Jebakani, wherein, there is no issue. However, the fourth respondent has issued legal heirship certificate to the fifth respondent and her daughter on 23.09.2021. Appeal was preferred and the second respondent passed the impugned order directing the petitioner to approach civil Court. Challenging the same, the present writ petition has been filed.

3. Heard both sides and perused the materials placed on record. Considering the facts and circumstances of this case, this Court is of the view that this Court cannot conduct roving enquiry as to whether the petitioner's father contracted marriage with the fifth respondent or not, such dispute can be decided only by the Civil Court.

4. Such view of the matter, the relief sought for in this writ petition cannot be granted by this Court. However, liberty is granted to the petitioner to



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work out his remedy by filing appropriate civil suit and the issuance of legal heir certificate by the Tahsildar dated 23.09.2021 is subject to the result of the civil suit filed by the petitioner, if any. No costs. Consequently, connected miscellaneous petition is closed.

23.09.2024

dhk

Index: Yes/No

Internet: Yes/No

To

1. The District Collector
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M. DHANDAPANI, J.



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