



W.P(MD)No.15199 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15199 of 2024

and

W.M.P.(MD)No.13304 of 2024

C.Muthammal

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Collectorate of Tirunelveli,
Tirunelveli-627 009.

2.The Revenue Divisional Officer,
(Sub Collector),
Cheranmahadevi,
Radhapuram Taluk,
Tirunelveli District.

3.The Tahsildar,
Radhapuram Taluk,
Radhapuram,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the proceedings of the 3rd respondent dated 16.08.2023 in Mu.Mu.6973/2023/ (Aa5) cancelling the legal heirship certificate issued in favour of the writ petition in TN 7202206281524 and quash the same.



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For Petitioner : Mr.R.Raja Rishi
for M/s.Ajmal Associates
For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner claims to be the wife of Chelladurai. She further states that through wedlock, five children were born. Chelladurai passed away on 28.03.2018. The death certificate was also issued. The petitioner had obtained legal heir certificate on 06.07.2022. The petitioner subsequently came to know that it was cancelled. The petitioner ought to challenge the order of cancellation. Instead what is challenged is the certificate dated 16.08.2023 issued in favour of one Krishnan. By the impugned certificate, Krishnan was informed about the cancellation of the legal heir certificate earlier issued.

3. This writ petition suffers from two vices. Firstly, even though the certificate was issued in favour of Krishnan, the said Krishnan has not been made as a party. Secondly, the impugned communication by itself is not amenable to challenge. What has to be questioned is only the order cancelling the legal heir certificate.



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4. The learned counsel for the petitioner expressed his helplessness. He pointed out that cancellation appears to have been done behind the petitioner's back and that the petitioner was not furnished with the copy of the same.

5. Even while declining to entertain the present challenge, I direct the Sub Collector, Cheranmahadevi/ R2 to furnish the petitioner with a copy of the order whereby the petition mentioned legal heir certificate was cancelled. This shall be done immediately and without any delay. After the same is furnished to the petitioner, it is open to the petitioner to question the same before this Court. I would expect the petitioner to implead the said Krishnan when a fresh writ petition is instituted.

6. With this liberty to the petitioner and direction to the second respondent, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

10.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

rmi

To

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Tirunelveli District,
Collectorate of Tirunelveli,
Tirunelveli-627 009.
- 2.The Revenue Divisional Officer,
(Sub Collector),
Cheranmahadevi,
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