



WP(MD). No.27559 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 21/08/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.27559 of 2022

1. Ravikumar.S,

2. Karthikeyan. S,

3. Selvarani. M,

... Petitioners

Vs

1. The District Revenue Officer,
Office of District Revenue Officer,
Palani - 624 601, Dindigul District..

2. The Joint Registrar 2,
Office of Joint Registrar 2, Palani -
624 601, Dindigul District..

3. The Sub Registrar 2,
Office of Sub Registrar 2, Udumalaipet -641 126..

4. The Deputy Inspector General,
(Registration),
Office of Deputy Inspector General (Registration),
Rajakampeeram, Y.Othakadai - 625 107,
Madurai..



WP(MD). No.27559 of 2022

5. The Tahsildar,
Office of Tahsildar, Palani - 624 601,
Dindigul District..

6. The Village Administrative Officer,
Office of Village Administrative Office,
Palani - 624 601,
Dindigul District..

7. M. Sivakamiammal (Died),,

8. M. Shanmugasundaram,,

9. M. Ponnusamy (Died),,

10. M. Velusamy

11. M. Marudharajan

12. M. Krishnasamy

13. M. Muruganandham

14. M. Manimaran,,

15. B. Nagarani

16. P. Saroja

17. A. Pandiyan

18. H. Usha

19. R. Alagu Bhuvaneshwari,,

20. S. Sivarenganathan,,

... Respondents



WP(MD). No.27559 of 2022

(R7 to R20 are Impleaded Vide Order dated 16.12.2022 in WMP(MD) No.22411/2022).

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of Na.Ka. No. 8477/2022/C6 dated 23.09.2022 passed by the 1st respondent and quash the same as illegal and consequently direct the 1st respondent to cancel the forged documents on the file of 2nd and 3rd respondents.

For Petitioners : M/s. Sheik Abdullah.M,
For Respondents : Mr.M.Siddharthan for R1 to R6
Additional Government Pleader
Mr.P.Thiyagarajan for R18
No appearance for others
Mr.Irulappa Raja for R8

ORDER

Challenge has been made to the impugned order dated 23.09.2022 of the 1st respondent.

2. A complaint has been given by the petitioners herein before the first respondent to cancel the registered partition deed. since the petitioners have not made out a prima facie case, the first respondent has conducted enquiry and held that the complaint is not maintainable, Challenging the same, the petitioner is before this Court.



WP(MD). No.27559 of 2022

WEB COPY

3. It is the contention of the petitioners that the property originally owned by the petitioners' grandfather and their grandfather died on 26.03.1994. He had two wives, namely, Meenakshi Ammal and Sivagami. The first wife had three children and through the second wife, he had five children. The first wife died on 28.01.1994. However, in the partition deed entered between the parties, the second wife is also claimed to be the legal heir of her husband. According to the petitioners, the document is fraudulently registered and hence, it is to be cancelled.

4. At the outset, it is seen that since those allegations cannot be decided by the concerned authorities, the complaint given before the authorities is misconceived. Whether the second marriage was legal or not has to be established in the manner known to law. Merely because one happened to be the second wife, it cannot be said that she is not the legal heir. Whether the marriage took place after death of first wife is a matter of evidence and it is to be established only before the competent civil Court.



WP(MD). No.27559 of 2022

WEB COPY

5. In such view of the matter, I do not find any ground to interfere with the impugned order. Accordingly, the writ petition is dismissed.

No costs.

21.08.2024

Index : Yes/No

NCC : Yes/No

RR

TO

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624 601, Dindigul District..
3. The Sub Registrar 2,
Office of Sub Registrar 2, Udumalaipet - 641 126..
4. The Deputy Inspector General,
(Registration), Office of Deputy
Inspector General (Registration),
Rajakampeeram, Y.Othakadai - 625 107, Madurai..
5. The Tahsildar,
Office of Tahsildar, Palani - 624 601, Dindigul District..
6. The Village Administrative Officer,

5/6



WP(MD). No.27559 of 2022

Office of Village Administrative Office,
Palani - 624 601, Dindigul District..

N.SATHISH KUMAR,J

RR

**ORDER
IN
WP(MD) No.27559 of 2022**

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