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W.P.(MD)NO.28614 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.28614 of 2022 and
W.M.P.(MD)Nos.22644 & 22645 of 2022

Bairose Banu,
Rep. by her
General Power of Attorney
Saravanan.

... Petitioner

Vs.

1. The District Collector,
O/o.Ramanathapuram District Collectorate,
Mandapam Road, Sakkarakottai,
Ramanathapuram District.
2. The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Ramanathapuram District.
3. The Tahsildar,
Ramanathapuram District,
Ramanathapuram.
4. S.A.Mohammed Ismail

... Respondents

Prayer: Writ 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 proceedings dated 16.02.2022 in Moo.Mu.A4/ 4786/ 2021 on the file of the 2nd respondent as illegal and not in consonance with the order of this Court dated 25.11.2022 passed in WP(MD).No.21075 of 2021 and consequently direct the 2nd



respondent to pass fresh proceedings after affording fair opportunities to the parties and appreciating the material evidences adduced by the parties.

For Petitioner : Mr.D.R.Murugesan

For R-1 to R-3 : Mr.A.Kannan,
Additional Government Pleader.

For R-4 : Mr.S.Venkatesan

* * *

ORDER

Heard both sides.

2. One Meera Mydeen passed away at Malaysia on 07.05.2009.

The legal heir certificate has been issued in favour of four persons, namely, Ayesha Beevi, Raizan Parvin, Meezana and Shaadoona. The same is put to challenge in this writ petition.

3. The learned Additional Government Pleader as well as the learned counsel appearing for the private respondent contended that the petitioner is an utter stranger and that therefore, he has no *locus standi* to impugn the said legal heir certificate.

4. I do not want to go into the said aspect. It is seen that the petitioner has filed O.S.No.138 of 2021 on the file of the District Munsif,



Alandur for the relief of permanent injunction. The jurisdictional civil Court is seized of the issue between the petitioner on the one hand and the said Ayesha Beevi and others. The jurisdictional civil Court will decide the issue based on the evidence adduced before it. It is open to the defendants in the suit to mark the legal heir certificate. But the civil Court will not treat it as binding. It is always open to the petitioner to establish his case before the jurisdictional civil Court independently.

5. With this clarification and observation, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

19.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

1. The District Collector,
O/o.Ramanathapuram District Collectorate,
Mandapam Road, Sakkarakottai, Ramanathapuram District.
2. The Revenue Divisional Officer,
O/o.Revenue Divisional Office, Ramanathapuram District.
3. The Tahsildar,
Ramanathapuram District, Ramanathapuram.



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G.R.SWAMINATHAN,J.

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