



W.P.(MD) No.17900 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.17900 of 2017

and

W.M.P.(MD) No.14421 of 2017

Aboothakir Nagoor Pitchai

.. Petitioner

Vs.

1.The District Collector,
O/o. District Collectorate,
Ramanathapuram District.

2.The Tahsildar,
Taluk Office, Mudukulathur,
Ramanathapuram District.

3.The Tahsildar,
Taluk Office, Kadaladi,
Ramanathapuram District.

4.Nagoor Adimai

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Declaration, to declare that the Certificate C.No.804/88 dated 13.09.1988 issued by the 2nd Respondent as fake, forged and also the Certificate dated 07.08.2012 in K.Dis.B5/10336/2012



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issued by the 3rd Respondent as illegal, unenforceable and violation of Mohammed Law and consequently, direct the 1st Respondent to cancel the certificate dated 07.08.2012 in K.Dis.B5/10336/2012 issued by the 3rd Respondent on the basis of the report received from the Assistant Commissioner (Kallal) dated 22.04.2013 vide his proceeding No.BB1/11602/2013 within the time frame as may be fixed by this Court.

For Petitioner : Mr.V.Muthuvelan
For R1 to R3 : Mr.R.Suresh Kumar
Additional Government Pleader
For R4 : Mr.P.Gunasekaran

ORDER

The challenge in the writ petition is to the certificate issued by the Tahsildar, Mudukulathur, Ramanathapuram viz., the second respondent herein in favour of the fourth respondent.

2. It is the case of the petitioner that the fourth respondent is not the adopted son of Nagoor Pitchai. Originally a certificate was issued by the Tahsildar, which was sought to be verified by the Government of Singapore. The first respondent herein had issued a report that the said



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certificate was indeed issued by the second respondent. The petitioner had approached this Court challenging the same and by order dated 20.08.2014, in W.P.(MD) No.1770 of 2014, a direction was issued by this Court to the first respondent to appropriately reply to the High Commission of Singapore along with the report of the Assistant Commissioner. The said order was complained of to have been violated by the fourth respondent constraining the petitioner to file a contempt petition and after finding that the reply had been given and the first respondent had acted upon the directions issued by this Court on 08.12.2014, this Court also closed the contempt petition.

3. It is the case of the petitioner that the fourth respondent is not the adopted son of Nagoor Pitchai and he is the only legal heir of the said Nagoor Pitchai.

4. These facts could only be decided by letting in evidence before the appropriate civil Court and cannot be decided in a writ petition under Article 226 of the Constitution of India. Hence, with a liberty to the



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petitioner to approach the civil Court, to redress his grievance, this Writ
Petition is disposed of. There shall be no order as to costs. Consequently,
connected miscellaneous petition is closed.

06.12.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

- 1.The District Collector,
O/o. District Collectorate,
Ramanathapuram District.
- 2.The Tahsildar,
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Ramanathapuram District.
- 3.The Tahsildar,
Taluk Office, Kadaladi,
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K.KUMARESH BABU, J.

abr

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