



W.P.(MD)No.23693 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **12.12.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

W.P.(MD)No.23693 of 2017

Chandra

... Petitioner

Vs.

1. The Tahasildar,
Ilayangudi Taluk,
Ilayangudi, Sivaganai District.

2. Nallamuthu
3. J.Saravanan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the 1st respondent in O.Mu.A1-3853-2017 dated 14.11.2017 and quash the same as illegal and consequently directing the 1st respondent to provide Legal Heirship Certificate to the Petitioner by mentioning the name of the petitioner and her Children namely Murugeswari and Prasad alone as Legal Heirs of deceased husband of the petitioner.

For Petitioner : Mr.V.Vijay Shankar

For Respondents : Mr.J.K.Jeyaseelan (R1)

Government Advocate

Mr.D.Senthil (R2 & R3)



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ORDER

WEB COPY

This writ petition has been filed challenging the impugned order of the 1st respondent in O.Mu.A1-3853-2017 dated 14.11.2017 with a consequential direction to the 1st respondent to provide legal heirship certificate to the petitioner by mentioning the name of the petitioner and her children namely Murugeswari and Prasad alone as legal heirs of the petitioner's deceased husband.

2. Heard the learned counsel on both sides and carefully perused the entire materials available on record.

3. Pending writ petition, the second and third respondents herein had approached the civil Court and the District Munsif cum Judicial Magistrate Court, Ilayankudi, in O.S.No.32 of 2020, by judgment and decree dated 21.06.2024 rejected the claim of the second respondent herein and directed the first respondent herein to grant legal heirship certificate in respect of the deceased Malaichamy in favour of the petitioner, third respondent, Murugeswari and Prasad.



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4. The learned counsel appearing for the second and third respondents would submit that as against the judgment and decree dated 21.06.2024 passed in OS No.32 of 2020 on the file of the District Munsif cum Judicial Magistrate Court, Ilayankudi, an appeal suit in AS No.12 of 2024 is pending before the Sub Court, Manamadurai. It is also submitted that no interim orders had been passed in the said appeal.

5. In such view of the matter, the first respondent is hereby directed to comply with the judgment and decree dated 21.06.2024 passed in OS No.32 of 2020 on the file of the District Munsif cum Judicial Magistrate Court, Ilayankudi, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that the same shall be subject to the result of the appeal in AS No.12 of 2024 pending on the file of the Sub Court, Manamadurai.

6. With the above direction, this writ petition stands disposed of. There shall be no order as to costs.

12.12.2024

NCC : Yes / No
Index : Yes / No



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K.KUMARESH BABU, J.

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TO:-

1. The Tahasildar,
Ilayangudi Taluk,
Ilayangudi,
Sivaganai District.

Order made in
W.P.(MD)No.23693 of 2017

Dated
12.12.2024