



W.P.(MD)No.29993 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **11.12.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.29993 of 2024

Jebin

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Marthandam,
Kanyakumari District.

2. The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.

3. Shobhana Bai

... 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 proceedings issued by the 2nd respondent vide Na.Ka. A2/3816/2024 dated 23.10.2024 and quash the same as illegal, and unconstitutional and consequently directing the respondent to issue a fresh legal heir ship certificate deleting the names of serial Nos. 2, 5 and 6, i.e., names of Shobana Bai, Johnsil, Johni within the time stipulated by this Court.



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For Petitioner

: Mr.V.Malaiyendran

For Respondents

: Mr.D.S.Neduncheliyan (R1 & R2)

Government Advocate

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ORDER

Challenging the impugned order dated 23.10.2024 rejecting the petitioner's application seeking to cancel the legal heir certificate issued to one Shobana Bai / 4th respondent, Johnsil, Johni, this writ petition is filed.

2. Considering the nature of the order going to be passed in this writ petition, notice to the fourth respondent is dispensed with. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

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

4. When the matter is taken up for hearing, the learned Government Advocate appearing for the official respondents submitted that this dispute is between two wives of the deceased Johnson. He further submitted that there is an appeal remedy before the first respondent.



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5. In view of the same, without going into the merits of the case, this Court hereby direct the petitioner to prefer an appeal before the first respondent and on receipt of the same, the first respondent is directed to pass appropriate orders on the petitioner's appeal, after affording opportunity of hearing to the petitioner and the fourth respondent namely, Shobana Bai as well as Johnsil, Johni, on merits and in accordance with law within a period of eight weeks from the date of receipt of the petitioner's appeal.

6. With the above directions, this Writ Petition stands allowed. There shall be no order as to costs.

11.12.2024

NCC : Yes / No
Index : Yes / No



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L.VICTORIA GOWRI, J.

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TO:-

1. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Marthandam,
Kanyakumari District.
2. The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.

Order made in
W.P.(MD)No.29993 of 2024

Dated
11.12.2024