



W.P.No. 3731 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No. 3731 of 2025

and

W.M.P.No.4120 of 2025

A.MOHAMMED ISMAIL

... Petitioner

Vs

1. THE DISTRICT COLLECTOR
KALLAKURICHI DISTRICT,
KALLAKURICHI.
2. THE DISTRICT REVENUE OFFICER
KALLAKURICHI,
KALLAKURICHI DISTRICT.
3. THE TAHSILDAR
KALLAKURICHI TALUK,
KALLAKURICHI DISTRICT.
4. RAHAMATHUNNISA

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the entire records relating to the order made in Na.Ka. G1/1691/2024 dated 26.09.2024 on the file of the first respondent confirming the order passed by the second respondent in Na.Ka.G1/1691/2024 dated 05.03.2024 and quash the same and consequently cancel the second legal heir ship certificate bearing No. TN



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7202212292211 dated 30.12.2022 by affirming the first legal heir ship certificate bearing No. TN 7202008132279 dated 21.08.2020.

For Petitioner : Mr.C.Munusamy
For R1 to R3 : Mr.R.Neelakandan,
Additional Government Pleader
for Dr.S.Suriya
Additional Government Pleader

ORDER

The writ petition is filed challenging the order made in Na.Ka. G1/ 1691/ 2024 dated 26.09.2024, whereby the first respondent confirmed the order passed by the second respondent in Na.ka. G1/ 1691 / 2024 dated 05.03.2024 and consequently cancel the second legal heir ship certificate bearing No. TN 7202212292211 dated 30.12.2022 by affirming the first legal heir ship certificate bearing No. TN 7202008132279 dated 21.08.2020.

2. The factual background in which this writ petition arises is that upon the demise of the petitioner's father, the petitioner obtained a legal heirship certificate in which the name of the fourth respondent was not included. Thereafter, the fourth respondent approached the respondents authorities by representing herself as the second wife of the petitioner's father. The



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authorities, therefore, included her name and issued the second legal heirship certificate dated 30.12.2022.

3. It is the case of the petitioner that when the same was done, the petitioner was never heard. According to the petitioner, the fourth respondent is not the wife of late *Adamsha*. Therefore, the petitioner filed an appeal to cancel the said order. The authorities have affirmed the legal heirship certificate and hence the writ petition.

4. The core contention in the writ petition is that the fourth respondent is not the second wife. This Court under Article 226, cannot decide the same. The parties have to let in evidence and establish about the said status. Therefore, leaving it open to the petitioner to approach the appropriate civil forum with an appropriate prayer to declare that the fourth respondent is not the legal wife of the said *Adamsha* and leaving it open for the fourth respondent to defend the suit, this writ petition is disposed of, as neither this Court nor the respondents No.1 to 3 are the competent authorities to decide the marital status of the parties when there is a dispute.



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5. Needless to mention, the Registry shall also return the original orders to the petitioner so as to enable him to file a civil suit. The further mutation of revenue records, if any, shall be awaited by a period of three weeks from today so as to enable the petitioner to approach the appropriate Civil Court. Ultimately, it will be depended upon the interim order, if any, passed by the Civil Court.

6. With the above observations, this writ petition stands disposed of. Consequently, connected miscellaneous petition is closed.

05.02.2025

Neutral Citation: Yes/No
nsl

To

1. THE DISTRICT COLLECTOR
KALLAKURICHI DISTRICT,
KALLAKURICHI.
2. THE DISTRICT REVENUE OFFICER
KALLAKURICHI,
KALLAKURICHI DISTRICT.
3. THE TAHSILDAR
KALLAKURICHI TALUK,
KALLAKURICHI DISTRICT.

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D.BHARATHA CHAKRAVARTHY, J.

nsI

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