



W.P.No.9278 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.9278 of 2025

and

W.M.P.Nos.10411 & 10412 of 2025

A.Hafiz

... Petitioner

Vs.

- 1.The District Collector,
Krishnagiri,
Krishnagiri District.
- 2.The District Revenue Officer,
Krishnagiri,
Krishnagiri District.
- 3.The Revenue Divisional Officer-cum-Sub-Collector,
Hosur, Hosur Taluk,
Krishnagiri District.
- 4.The Tahsildar,
Office of the Tahsildar,
Shoolagiri,



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Shoolagiri Taluk,
Krishnagiri District.

5.Mohamed Imran

... 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 of relating to the impugned order passed by the 3rd respondent having Reference No.Mu.Mu.761/2024/A4, dated 09.08.2024, and quash the same and consequently, direct the 4th respondent to restore the Legal Heirship Certificate having Reference No.TN-720230324938 dated 10.04.2023 issued to the petitioner.

For Petitioner : Mr.R.Bharath Kumar

For R1 to R4 : Mr.R.Neelakandan
Additional Advocate General
assisted by Mr.Yogesh Kannadasan
Special Government Pleader

For R5 : Mr.S.R.Sundar



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ORDER

Challenging the order passed by the 3rd respondent cancelling the Legal Heirship Certificate issued in favour of the petitioner, the present writ petition has been filed.

2.It is the case of the petitioner that, originally a Legal Heirship Certificate was issued in favour of the petitioner on 10.04.2023 as if he is the son born to one Abdul Gaffar Sahib and Ramath Khatoon. Later, the 5th respondent made an application to the Revenue Divisional Officer to cancel the said Legal Heirship Certificate on the ground that the petitioner is not the son born to Abdul Gaffar. The same has been enquired upon and the impugned order has been passed by the 3rd respondent on 09.08.2024, cancelling the Legal Heirship Certificate issued to the petitioner. Challenging the same, the present writ petition has been filed.



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3.Learned counsel for the petitioner would submit that the petitioner is the original son of Abdul Gaffar Sahib. To prove this fact, he has also produced the Transfer Certificate, Ration Card, Aadhar Card and PAN Card of the petitioner. However, ignoring all those documents, the impugned order came to be passed as if no document has been produced by the petitioner. Further, it is also observed in the impugned order as if the petitioner has not produced any document to show the so-called adoption. Therefore, the application filed by the 5th respondent was allowed and the original Legal Heirship Certificate issued in favour of the petitioner on 10.04.2023 was ordered to be cancelled. Hence, the learned counsel seeks to quash the same.

4.Though various grounds have been raised in the writ petition to challenge the impugned order, on perusal of the entire affidavit, it appears



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that there is a civil suit pending between the petitioner and the 5th

respondent. The petitioner has filed a suit in O.S.No.482 of 2024 before the

I Additional District Court, Hosur, in which, the 5th respondent has also filed

a written statement, wherein, in Para No.4, a defence has been taken as if

the petitioner/plaintiff is not the son of Abdul Gaffar and Rahamath

Kadhum. The 5th respondent claims that his mother had purchased the suit

property in O.S.No.482 of 2024 in the year 2000, based on the partition

effected in O.S.No.170 of 1988 on the file of the District Munsif Court,

Hosur, by way of a compromise decree. Pursuant to the same, sale has also

been effected. According to the 5th respondent, he is only the owner of the

suit property. The said sale and other aspects have been challenged in the

suit filed by the petitioner in O.S.No.482 of 2024.

5.No doubt, the petitioner has produced before this Court, Birth Certificate issued by the authorities to show that the petitioner is the son of Abdul Gaffar and Ramath Khatoon. Besides this Birth Certificate, Transfer



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Certificate of the year 1987, Ration Card of the year 1986, Aadhar Card, PAN Card are also produced before this Court, which indicate that the petitioner is the son of Abdul Gaffar. However, these aspects have not been considered by the Revenue authorities. Be that as it may.

6.In any event, when the issue with regard to the relationship of the petitioner with Abdul Gaffar, has already been seized of by the Civil Court and the same is pending before the I Additional District Court, Hosur, in O.S.No.482 of 2024, the question as to whether the petitioner is the original son of Abdul Gaffar or not, is a matter of evidence, which has to be decided by the Civil Court, not the Revenue authorities. Though the Revenue authorities have gone to the extent of saying that there was no document produced to prove the adoption, the said finding recorded by the 3rd respondent indicates that they lack even fundamental understanding of personal laws. The concept of adoption is unknown to Muslim Law. Such being the position, holding that the petitioner has not produced any



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document to prove the adoption indicates clear non-application of mind.

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7.Be that as it may. As the Civil Court has already seized of the matter and the relationship is also disputed by the 5th respondent, this Court is of the view that, it would be proper for the Civil Court to frame necessary issue with regard to the relationship of the parties, enquire into the issue and decide the issue, which will settle the disputes once for all.

8.In such view of the matter, there shall be a direction to the learned I Additional District Judge, Hosur, to frame a specific issue in O.S.No.482 of 2024 as to whether the plaintiff is the son born to Abdul Gaffar Sahib and Ramath Khatoon, apart from other issues that may be framed by the Court, and decide the issue, and that will address the entire dispute between the parties. Accordingly, the parties are relegated to the Civil Court to pursue their pending civil suit.



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9.It is made clear that, till a decision is made by the Civil Court, the impugned order of the 3rd respondent will not have any impact. The Civil Court's judgment will prevail over. The 5th respondent cannot use the impugned order for any other purpose and even in the Civil Court, the same will not have any evidentiary value. The Civil Court shall decide the rights of the parties independently, based on the evidence adduced in the pending suit. The impugned order is always subject to the result of the Civil Suit. Therefore, both sides are directed to maintain status *quo* as on date and not to encumber or alienate the property since the matter is seized of by the Civil Court. The Civil Court shall decide the suit based on its own merits without being influenced by any of the observations made by this Court in this writ petition.

10.With these directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.



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Internet : Yes

Index : Yes

Speaking order : Yes

Neutral Citation : Yes

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N. SATHISH KUMAR, J.

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