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W.P.No.16907 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2025

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THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

W.P.No.16907 of 2025

AND

W.M.P.No.19187 of 2025

N.Rani

.. Petitioner

Vs

1.The Tahsildar
Mettupalayam
Coimbatore District

2.N.Sindya

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus to call for records and quash the same in respect of rejection of legal heir certificate and direct the 1st respondent to cancel the legal heir certificate issued to the 2nd respondent.

For Petitioner : Mr.S.Ravichandran

For 1st Respondent : Mr.R.Neelakandan

Additional Advocate General

Assisted by Mr.K.Suresh, Government Advocate

ORDER

This writ petition has been filed challenging the impugned proceedings of the 1st respondent dated 04.10.2024, wherein the application submitted by the petitioner seeking for cancellation of the legal heirship certificate issued in the name of the 2nd respondent was rejected.



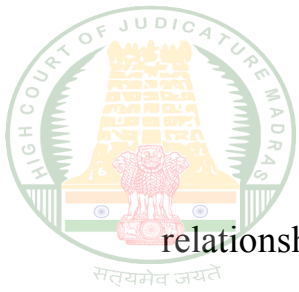
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2. Heard Mr.S.Ravichandran, learned counsel for the petitioner and Mr.R.Neelakandan, learned Additional Advocate General, assisted by Mr.K.Suresh, learned Government Advocate appearing for the 1st respondent and perused the materials placed before this Court.

3. On carefully considering the materials placed before this Court and on considering the submissions made on either side, it is seen that there is a dispute pending between the petitioner and the 2nd respondent before a competent civil Court with respect to their relationship with the deceased Nithiya Jotheeswaran, who was working in Southern Railway and in order to claim the terminal benefits, a civil suit has been filed. In the meantime, the petitioner submitted an application seeking for cancellation of the legal heirship certificate. The same was rejected by the 1st respondent on the ground that a civil Court is dealing with the issue and hence, no further orders can be passed by the 1st respondent. The same has been put to challenge in the present writ petition.

4. In the considered view of this Court, as between a civil Court and the revenue authority, it is the civil Court which has the competence to deal with the



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relationship between the parties and decide the same. If the Tahsildar parallelly goes into this issue, it will tantamount to sitting over the proceedings pending before the civil Court.

5. The learned counsel for the petitioner submitted that the 2nd respondent is relying upon the legal heirship certificate issued by the Tahsildar to establish her relationship. It is now too well settled that the legal heirship certificate issued by the Tahsildar does not bind the civil Court and the civil Court will deal with the issue on its own merits on appreciation of evidence. Therefore, just because the legal heirship certificate will be produced before the civil Court, that does not mean that the petitioner can approach the 1st respondent and seek for cancellation. It is left open to the parties to agitate the dispute before the civil Court where the suit is pending. Except giving this clarity, no further orders can be passed in this writ petition.

With the above observation, this writ petition is disposed of. No costs. Connected W.M.P. is closed.

02.06.2025

Index : Yes/No Neutral Citation : Yes/No
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To
The Tahsildar
Mettupalayam
Coimbatore District



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N. ANAND VENKATESH, J.

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