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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-06-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 16050 of 2022

Balasubramaniam

Petitioner(s)

Vs

1. The District Collector

Namakkal District, Namakkal-637 001.

2. The Revenue Divisional Officer

Namakkal-637 001.

3. The Tahsildar

Rasipuram Taluk, Rasipuram-637 408.

4. The Village Administrative Officer

Nammagiripet, Rasipuram Taluk,

Namakkal District-637 006.

5. Sivalingam

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for
issuance of a Writ of Certiorarified Mandamus, calling for the records



culminated in the impugned order Nee. Mu. 3964 / 2021 / B5 dated 10.03.2022 issued by the 3rd respondent and quash the same as illegal and consequently direct the 3rd respondent to cancel the Legal Heir Ship Certificate in ref. Nee. Mu. 4276 / 16 dated 18.03.2016,

For Petitioner(s): Mr.R.Prabhakaran

For Respondent(s): Mr.G.Velu
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned proceedings of the 3rd respondent dated 10.03.2022 and for a consequential direction to the 3rd respondent to cancel the legal heir ship Certificate dated 18.03.2016, wherein, the name of the 5th respondent was also included in the said Certificate.

2.Heard Mr.R.Prabhakaran, learned counsel appearing on behalf of the petitioner and Mr.G.Velu, learned Additional Government Pleader appearing on behalf of the respondents.

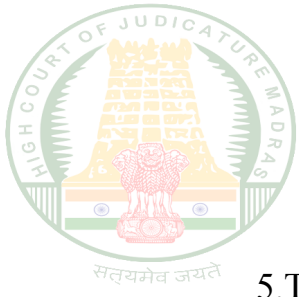
3.The grievance expressed by the petitioner is that one Sivalingam (5th respondent) filed a suit for partition before the Sub Court, Namakkal based on



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the legal heir ship certificate dated 18.03.2016. At that point of time, it came to light that the 5th respondent has managed to include his name in the legal heir ship certificate, even though he is not entitled for the same. Hence, a representation was made by the petitioner on 05.07.2021 and since there was no response, W.P.No.19261 of 2021 was filed before this Court and the said writ petition was disposed of by an order dated 14.09.2021, directing the Tahsildar to pass orders. The Tahsildar, Rasipuram Taluk passed the impugned order which has been put to challenge in the present writ petition.

4.In the considered view of this Court, the legal heir ship certificate issued by the Tahsidlar is not binding on the Civil Court. Therefore, merely because the 5th respondent has produced the legal heir ship certificate before the Court in the pending proceedings in O.S.No.275 of 2020 on the file of the Sub Court, Namakkal, that by itself will not enable the 5th respondent to get the relief. The 5th respondent has to independently prove before the Civil Court his entitlement. The Sub Court, Namakkal, shall independently deal with the claim made by the 5th respondent and decide the entitlement without being swayed by the issuance of legal heir ship certificate dated 18.03.2016.



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5. The above observations will sufficiently take care of the grievance expressed by the petitioner and accordingly, this writ petition stands disposed of in the above terms. No Costs. Consequently, connected miscellaneous petition is closed.

10-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

SSR



To
WEB COPY

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6/6

WP No. 16050 of 2



N.ANAND VENKATESH J.

SSR

WP No. 16050 of 2022

10-06-2025