



WEB COPY



W.P.No.39684 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.39684 of 2024

Mr.B.Harihar

... Petitioner

VS.

1.The Tahsildar,
Tahsildar Office,
Chengalpattu.
2.K.Ramesh

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st Respondent to add the omitted Class II legal heirs B.Harihar, B.Prabhakar, B.Saravanan, B.Manjula, Paichaiammal and K.Ramesh in the Legal Heir Certificate of deceased late Miss Saksabai.

For Petitioner : Mr.S.Kathiravan

For Respondents : Mr.R.Neelakandan
Additional Advocate General
Assisted by Mr.V.Ramesh
Government Advocate for R1



W.P.No.39684 of 2024

WEB COPY

ORDER

By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

2. The petitioner herein seeks a direction to the 1st respondent to add the omitted Class II legal heirs of B.Harihar, B.Prabhakar, B.Saravanan, B.Manjula, Paichaiammal and K.Ramesh in the Legal Heir Certificate of deceased late Miss Saksabai.

3. It is the case of the petitioner that he is the grandson of deceased Saksabai's brother Venkat @ Venkatesalu. The second respondent, who is none other than the grandson of deceased Saksabai's sister Nagarathinammal, filed a suit and obtained a declaration that he was a sole heir of deceased Saksabai in O.S.No.37 of 2022, on the file of District Munsif Court, Chengalpet. As per the mandatory injunction issued in the suit, the second respondent issued a legal heirship certificate mentioning the



W.P.No.39684 of 2024

name of the second respondent as the heir of the deceased. Aggrieved by the judgment and decree passed in O.S.No.37 of 2022, the petitioner herein filed another suit in O.S.No.46 of 2024 on the file of the District Munsif Court, Chengalpattu, seeking declaration that petitioner, his siblings and defendants 1, 4 to 7, 9 and 10 in the suit were the legal heirs of deceased Saksabai and the petitioner also sought for a declaration that judgment and decree passed in O.S.No.37 of 2022 was null and void.

4. In the meantime, the petitioner filed the present writ petition seeking a direction to the first respondent to include the names of all the class II heirs in the legal heirship certificate issued to the deceased Saksabai.

5. In view of the fact that the petitioner also instituted the suit, challenging the judgment and decree obtained by the second respondent, this Court is not inclined to entertain this petition. It is for the petitioner to workout his remedy in the pending Civil Suit.



W.P.No.39684 of 2024

WEB COPY

6. With the above direction, the Writ Petition stands disposed
of. No costs.

02.01.2025

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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WEB COPY



W.P.No.39684 of 2024

To
The Tahsildar,
Tahsildar Office,
Chengalpattu.



WEB COPY



W.P.No.39684 of 2024

S.SOUNTHAR, J.

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W.P.No.39684 of 2024

02.01.2025