



WEB COPY

WP No. 37595 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-10-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 37595 of 2025

AND WMP NO. 42071 and 42069 OF 2025

Jeevarathinam

Petitioner(s)

Vs

1. The Revenue Divisional Officer
District Collectorate, Erode,
Erode District.

2.The Thasildar
Erode Taluk, Erode.

3.Nirmaladevi

4.Savitha

Respondent(s)

PRAYER; The writ petition has been filed under Article 226 of Constitution of India, to issue a writ of Certiorari calling for the entire records relating to the impugned notice in Na.Ka.3409/2025/ A3 dated 19.08.2025 pending on the file of the 1st Respondent and quash the same.

For Petitioner(s): M/s. J.Titus Enock

For Respondent: Mr.R.Neelakandan, AAG RR1 & 2



Assisted by Mr.P.Ganesan, AGP

ORDER

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This petition has been filed seeking to quash the impugned notice in Na.Ka.3409/2025/ A3, dated 19.08.2025 pending on the file of the 1st Respondent.

2. It is the case of the petitioner that one Sengodu S/o.Ramasamy died on 16.06.2005. His wife Ellammal died on 28.02.2007. The second respondent issued legal heir certificate on 04.06.2007 stating that his son Easwaramoorthy alone is the legal heir of the deceased Sengodu. The said Easwaramoorthy also died on 27.05.2018. The petitioner is the wife of the deceased Easwaramoorthy. The respondents 3 & 4 and on Thangamani filed OS.No.422/2024 before the Sub Court, Erode for partition and separate possession of ½ share in the above said house property and they filed a petition before the first respondent for cancellation of the legal heirs certificate issued by the second respondent, for which, the first respondent issued notice to the parties to appear before it for enquiry on 03.09.2025 for cancellation of the legal heirs certificate dated 04.06.2007 issued by the second respondent. Challenging the said notice, the



petitioner has filed the present writ petition.

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3. The learned counsel for the petitioner submitted that the first respondent failed to see that the respondents 3 & 4 and one Thangamani filed OS.No.422/2024 before the Sub Court, Erode for partition and separate possession and the same is pending. Pending suit, the first respondent have no power to issue summon to the petitioner.

4. Heard both sides and perused the materials available on record. Since no adverse order is passed against the private respondents, notice to them is dispensed with.

5. The petitioner claims that he is the only legal heir of the deceased Sengodu. Whereas the private respondents claim that their father is also a son of the late Sengodu and Ellammal. Both the parties have obtained separate legal heirship certificate. However, the private respondents have made application before the first respondent to cancel the legal heirship certificate obtained by the petitioner. Therefore, the first respondent issued show cause notice to the



parties to appear before it. Without appearing before the first respondent, the petitioner has filed the present writ petition before this Court, which is not sustainable. If the petitioner have any grievance, she has to appear before the first respondent and canvass all the points only before it.

6. In view of the above factual position, this Court, without expressing any opinion on the merits of the case, permits the petitioner to make appropriate objection before the first respondent within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of such objection, the first respondent shall consider the same and pass appropriate orders after providing opportunity to the petitioner as well as the private respondents on merits within a period of six weeks thereafter.

7. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

07-10-2025

Rli



Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1.Revenue Divisional Officer
District Collectorate, Erode,
Erode District.

2.TAHSILDAR
Erode Taluk, Erode.



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M.DHANDAPANI J.

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