



WP No. 425 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.01.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 425 of 2025

A.Gershom

... Petitioner

Vs

1 The District Collector
Office of the Collectorate,
Mayiladuthurai District.

2 The Tahsildar,
Seerkazhi Taluk,
Mayiladuthurai District.

3 Kalvikarasi

4 Jancirani

5. Dushyandan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking to issue Writ of Mandamus, directing the 2nd respondent to issue patta in the names of all legal heirs of Late.Anjalaiaammal in patta No.3 with regard to property in Survey No.80/2 to an extent of about 11.50 Ares within the limits of Seerkazhi Village Panchayat, Seerkazhi Taluk, Mayiladuthurai District (originally Nagapattinam District) within such time as may be fixed by this court.



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For Petitioner
For Respondents 1 and 2

: Mr.V. Raja
: Mr A. Selvendran,
Special Government Pleader

ORDER

This writ petition is filed for a mandamus directing the 2nd respondent to issue a patta in the name of all the legal heirs of late Anjalaiammal in Patta No3 with regard to property in Survey No.80/2 measuring an extent of about 11.50 acres within the limits of Seerkazhi Village Panchayat, Seerkazhi Taluk, Mayiladuthurai District (originally Nagapattinam).

2. It is the case of the petitioner that originally, one Anjalai @ Anjalaiammal, who is his grandmother, had owned the above said property and the patta also stands in her name. The said Anjalai died intestate on 14.08.2012 leaving behind the petitioner's father and respondents 3 to 5 as her legal heirs. Subsequently, the petitioner's father also died on 11.12.2020. During the life time of his father, the respondents 3 to 5 had collusively obtained a legal heirship certificate without including his father's name. After coming to know about the same, the petitioner's mother had submitted a representation dated 23.04.2024 to the competent authority seeking cancellation



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of the legal heirship certificate. Based on the representation, the authority called for a report from the Tahsildar. Based on the report of the Tahsildar, the legal heirship certificate was cancelled by way of proceedings dated 10.06.2024 and a fresh legal heirship certificate was issued on 23.07.2024 including all the names of the legal heirs of late Anjalai Ammal. Now, this writ petition has been filed seeking to issue a patta in name of all the legal heirs of late Anjalaiaimmal.

3. Heard the learned counsels on either side.

4. A perusal of the affidavit as also the documents clearly indicates that without even taking out an application for grant of patta, the petitioner has rushed to this Court invoking the extra ordinary jurisdiction under Article 226 of the Constitution of India. This is nothing but an abuse of process of Court. The petitioner has alleged that, despite the authorities finding the legal heirship certificate issued in favour of the respondents 3 to 5 as a forged document and having cancelled the legal heirship certificate issued to them, the respondents have not mutated the names of the legal heirs of Anjalai Ammal in respect of the subject property. Without filing an application and paying requisite



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charges, the petitioner cannot seek grant of patta. Therefore, the writ petition is dismissed. No costs.

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Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

srn

To,

- 1 The District Collector
Office of the Collectorate,
Mayiladuthurai District.
- 2 The Tahsildar,
Seerkazhi Taluk,
Mayiladuthurai District.



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P.T.ASHA, J.,

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