



W.P.(MD) No.6651 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.03.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.P.(MD)No.6651 of 2025

M/s.Can Fin Homese Ltd.,
Rep. by its Authorized Officer,
L.Sathesh Kumar

... Petitioner

-Vs-

1.I.Karuppasamy
2.Viji
3.The Tahsildar,
Amathur Taluk,
Sivakasi, Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to quash the order of return dated 26.07.2024 & 29.08.2024 made in CrI.M.P.ATN20220007828C202400013 of 2024 on the file of the learned Chief Judicial Magistrate, Srivilliputhur, Virudhunagar and consequently, to direct the learned Chief Judicial Magistrate, Srivilliputhur at Virudhunagar to number the application made in CrI.M.P-ATN20220007828C202400013 of 2024 and take it on file.



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For Petitioner : Mr.S.I.Muthiah
For R3 : Mr.J.Ashok,
Additional Government Pleader

ORDER

[Order of the Court was made by *S.SRIMATHY, J.*]

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.The present Writ Petition is filed challenging the order of return of papers dated 26.07.2024 and 29.08.2024 by the learned Chief Judicial Magistrate, Srivilliputhur, Virudhunagar.

3.The contention of the petitioner is that the 1st respondent and his son, namely, Tamilselvan are the borrowers for housing loan and executed MOD. The 1st respondent's son died. The petitioner being a Finance Company will not have access to the legal heir certificate of the 1st respondent's deceased son. Therefore, enclosing the legal heir certificate of the 1st respondent's son is impossible.



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4. In such view of the matter, the learned Chief Judicial Magistrate, Srivilliputhur, Virudhunagar is directed to number the application made by the petitioner and thereafter, direct the 1st respondent to produce the legal heir certificate of his son.

5. With the above direction, this Writ Petition is allowed. No costs.

[J.N.B., J.] & [S.S.Y., J.]
13.03.2025

NCC : Yes / No
Index : Yes / No

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Note: (i) Issue order copy by today (13.03.2025) itself.

(ii) Registry is directed to return the original impugned order to the petitioner, after retaining the xerox copy of the same.

To

1. The Chief Judicial Magistrate,
Srivilliputhur, Virudhunagar.

2. The Tahsildar,
Amathur Taluk,
Sivakasi, Virudhunagar District.

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