

W.P.(MD).No.10668 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.04.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.10668 of 2025

Vimalabai

... Petitioner

vs.

1.The District Collector,  
Kanyakumari District.

2.The Sub Collector,  
Padmanabhapuram Sub Division,  
Kanyakumari District.

3.The Tahsildar,  
Kalkulam Taluk,  
Kanyakumari District.

4.Ventyless Raj

5.The Inspector of Police,  
Thiruvattaru Police Station,  
Kanniyakumari District.

(R5 is *suo motu* impleaded vide Court order dated 17.04.2025 in  
W.P(MD).No.10668 of 2025 by VLNJ)

... Respondents



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**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 to 3 to consider petitioner's representation dated 24.05.2024.

|                |                                                    |
|----------------|----------------------------------------------------|
| For Petitioner | : Mr.T.Selvakumaran                                |
| For R1 to R3   | : Mr.G.Suryananth<br>Additional Government Pleader |
| For R5         | : Mr.M.Karunanithi<br>Government Advocate          |

### **ORDER**

The writ petitioner seeks for the following relief:

“to direct the respondents 1 to 3 to consider the petitioner's representation dated 24.05.2024. “

2. The petitioner married one Paulsan. From their wedlock, a girl child was born to them. Their daughter by name Babisha was given marriage to the fourth respondent. Unfortunately, Babisha contracted blood cancer and passed away on 28.04.2022.



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3. It is pleaded by the petitioner that at the time of marriage, Babisha was gifted with 40 sovereign of gold, Rs.5,000/- in cash and articles worth about Rs.1,00,000/-. The plea is that these were not voluntarily given, but were demanded by their son-in-law -fourth respondent.

4. Soon after the death of the petitioner's daughter, the fourth respondent contracted a second marriage. The petitioner pleads as the fourth respondent has remarried, they wanted to return of the jewels belongs to their daughter. In addition, claiming to be a sole legal heir of the deceased Babisha, the fourth respondent withdrew the amounts lying in the name of Babisha. The petitioner aggrieved by this act gave a representation to the respondents 1 to 3 to issue a fresh legal heirship certificate including the name of the petitioner and her husband as the other legal heirs of the deceased Babisha. As the same was not complied with, the petitioner came forward with the present writ petition.



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5. There is no dispute that the parties belong to Christian religion. A legal heirship certificate issued by the third respondent /Tahsildar is not a certificate finally deciding as to who the legal heirs are. It is only a relationship certificate and nothing more. If the petitioners deem that they are the legal heir of the deceased Babisha, their appropriate remedy is to approach the jurisdictional civil Court.

6. When this aspect was pointed out, Mr.Selvakumaran urged that the parties have given a complaint in CSR.No.273 of 2024 on the file of the Inspector of Police, Thiruvattaru Police Station, Kanyakumari District and the fate of the said complaint is unknown. Hence, I *suo motu* impleaded the Inspector of Police, as fifth respondent and Mr.Karunanithi took notice and sought time to get instructions from the said authority.

7. When I took up the matter for hearing today (i.e., 24.04.2025), Mr.S.Prakash representing Mr.Karunanithi,



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learned Government Advocate, informed this Court that the complaint in CSR No.273 of 2024 was closed on the statement given by the petitioner's husband Paulsan that they will work out their rights before the jurisdictional civil Court.

8. In the light of the above discussion, this Writ Petition is dismissed.

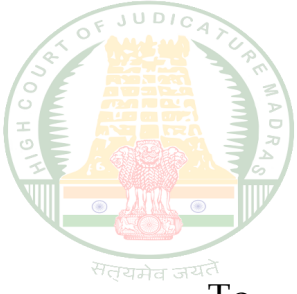
9. Needless to add, the petitioner is always entitled to approach the jurisdictional civil Court and seek for such relief as they are entitled to, including the relief that they are legal heirs of the deceased Babisha and also the jurisdictional criminal Court alleging the fourth respondent has committed offences, which attracts the penal laws.

No costs.

Index :Yes / No  
NCC :Yes / No  
Rmk

**24.04.2025**

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**V. LAKSHMINARAYANAN, J.**

*Rmk*

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