

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.7612 of 2014 and 26483 of 2012

W.P.No.7612 of 2014:

E.Samuel Babu Jayakumar

...Petitioner

Vs.

1. The District Collector
Kancheepuram District,
Kancheepuram.

2. The Revenue Divisional Officer,
Tambaram,
Chennai - 600 045.

3. The Tasildhar,
Tambaram,
Chennai - 600 045.

4. Saraswathy Johnson

...Respondents

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to take action on the basis of the petitioner representation dated 23.12.2013 and to issue a revised legal certificate duly incorporating the name of the petitioner name as legal heir of the deceased Edward Martin Johnson.

For Petitioner : Mr.K.Balu

For Respondents : Mr.R.Vijayakumar for R1 to R3

Additional Government Pleader
No Appearance for R4

W.P.No.26483 of 2012:

Mrs.Saraswathi Johnson

...Petitioner

Vs.

1. The Revenue Divisional Officer,
Tambaram,
Chennai - 600 045.

2. The Tasildhar,
Tambaram,
Chennai - 600 045.

3. E.Samuel Babu Jayakumar

...Respondents

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus forbearing the 1st and 2nd respondent from canceling the legal Heir certificate issued in petitioner favour in pa.Mu.No.13800/2005/A8 dated 10.10.2005 without following due process of law.

For Petitioner : Mr.P.Satheeshkumar

For Respondents : Mr.R.Vijayakumar for R1 and R2

Additional Government Pleader
No Appearance for R3

C O M M O N O R D E R

The prayer sought for in both the writ petitions relates to the legal heirship certificate to be issued consequent on the death of Edward Martin Johnson. The petitioner in W.P.No.26483 of 2012 seeks for direction to forbear the respondents 1 and 2 from canceling the legal heir certificate issued in favour of Mrs.Saraswathi Johnson dated 10.10.2005 without following due process of law. The petitioner in W.P.No.7612 of 2014, Mr.E.Samuel Babu Jayakumar states that he also has to be included as a legal heir of late Edward Martin Johnson and therefore direction has to be issued to the official respondent to conduct an enquiry.

2.In the light of the dispute between the parties, there will be a direction to the third respondent/ The Tahsildar, Tambaram to issue notice to both the writ petitioners who are the aggrieved parties to appear in person, consider their submissions and pass appropriate orders on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order. These writ petitions are disposed of with the above observations. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector
Kancheepuram District,
Kancheepuram.
2. The Revenue Divisional Officer,
Tambaram,
Chennai - 600 045.
3. The Tasildhar,
Tambaram,
Chennai - 600 045.

2 CCs to Mr.K.Balu, Advocate SR.No. 15010 & 15011

1 CC to M/s. P.Satheesh Kumar, Advocate SR.No. 14613

1 CC to the Government Pleader, SR.No. 14758

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W.P.Nos.7612 of 2014
and 26483 of 2012

MP (CO)
PSI (31.03.2015)