

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 02.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.14732 of 2015

Kanniappan

... Petitioner

Versus

1. The District Collector of Vellore
Collectorate Sathuvachari
Vellore.
 2. The Thasildhar of Arakkonam
Taluk Office Arakkonam and Post
Vellore District.
 3. The Village Administrative Officer
Kannikapuram Village
Kattupakkam Post
Arakkonam Taluk Vellore District.
- ... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, Directing the 2nd respondent to consider the Petitioner representation dated 15.04.2015 and further direct the 2nd respondent to cancel the legal heir certificate dated 29.12.2009 issued by him by excluding the Petitioner name and to give fresh legal heir certificate by including Petitioner name along with Petitioner mother and brothers and sister as legal heir of Petitioner deceased father namely Shanmugam.

For Petitioner : Mr.A.Gouthaman

For Respondents : Mr.M.Dig Vijayapandian
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner claims that he is the son born to Shanmugam through a legal marriage and he is the legitimate son of deceased Shanmugam and his mother and brothers also did not dispute the same. The petitioner would submit that during the life time of his father, against the wishes of his family members he developed a love affair and married and was living separately. Since the petitioner married against the wishes of his family members, his mother, brothers and sisters has suppressed the fact that he is also one of the legal heirs of the deceased Shanmugam and managed to get a legal heir certificate excluding his name. The petitioner on coming to know the said fact submitted a representation on 15.04.2015 to the 2nd respondent pointing out the abovesaid circumstances and prayed for inclusion of his name as one of the legal heirs in the legal heir certificate and since, he is yet to be favoured with any kind of response, came forward to file this writ petition.

3. Heard the submissions of Mr.A.Gouthaman, learned counsel appearing for the petitioner and Mr.Dig Vijaya Pandian, learned Additional Government Pleader, who accepts notice for the respondents.

4. Taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the representation, this Court, directs the 2nd respondent to consider the representation dated 15.04.2015 submitted by the petitioner, on merits and in accordance with law, after putting on notice the other legal heirs and pass orders as expeditiously as possible and not later than eight weeks from the date of receipt of a copy of this order and inform the decision taken, to the petitioner as well as to other heirs.

5. The writ petition is disposed of, accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector of Vellore
Collectorate Sathuvachari
Vellore.
2. The Thasildhar of Arakkonam
Taluk Office Arakkonam and Post
Vellore District.
3. The Village Administrative Officer
Kannikapuram Village
Kattupakkam Post
Arakkonam Taluk Vellore District.

+1cc to Mr.A.Gouthaman, Advocate, S.R.No.26495
+1cc to the Government Pleader, S.R.No.26144

W.P.No.14732 of 2015

SKV(CO)
CA(10/06/2015)



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