

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 13.07.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.20772 of 2015

Mr. Babu Sathyanathan

... Petitioner

Versus

1. The Thasildhar
Egmore Taluk Office Chennai-31.

2 The District Collector
Office of the District Collector Chennai-1. ... 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 conclude the enquiry in Na.Ka.No. Vu6/23634/2014 dated 23/10/14 and consequently issue a fresh legal heir certificate within stipulated period of time fixed by the Honourable Court expeditiously.

For Petitioner : Mr.P.Manikannan

For Respondents : Mr.M.Dig Vijaya Pandian
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 seventh child born to his parents viz., Thiru.Devarajan and Tmt.Victoria Sarojini and that his father died on 05.02.1981 and his mother died on 30.03.2013. The petitioner would further state that his brother viz. Peter Jhonson, died as a Bachelor on 17.08.2005 and after the demise of his parents, the following are the surviving legal heirs.

1. Tmt.Shanthi
2. Tmt.Deisy
3. Tmt.Selvi
4. Tmt.Esther

5. Thiru.Babu Sathyanathan (petitioner)
6. Thiru.Victor Devanesan

3. The petitioner would further state that the property bearing Plot No.78 in Door No.219, Kamarajapuram, Nungampakkam, Chennai - 34, situated in T.S.No.698 to 720, 779/4,5,6, 796, 797/1 to 798 & 799/6, Block No.33, Nungampakkam Village, Egmore Nungampakkam Taluk, originally belonged to his mother and it was allotted by the Tamilnadu Slum Clearance Board.

4. ***"The grievance of the petitioner is that he was informed by the first respondent that he has obtained a legal heir certificate from the Office of the first respondent on 30.12.2013, and in fact, he did not apply for the same and in this regard, he made a representation to the first respondent to find out the real culprit and later on, reliably came to know that one David Selvadurai submitted an application and the Revenue Official, colluding with the said person and without conducting proper verification, wrongly issued the legal heir certificate for getting wrongful gain, on 31.12.2015, and the said person is none other than the husband of the petitioner's late sister viz. Mrs.Idya, and though in this regard, enquiry has been commenced, no final orders have been passed and hence, the petitioner came forward to file this writ petition."**

5. Heard the submissions of the learned counsel appearing for the petitioner and Mr.Dig Vijaya Pandian, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

6. This Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner in this writ petition, directs the 2nd respondent to consider the petitioner's representation/application dated 01.09.2014 as well as the reminder dated 09.09.2014 in the light of its communication dated 17.03.2015 made in Na.Ka.No.c6-23634/14 and in accordance with law, after putting on notice the other legal heirs and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to other legal heirs.

7. The writ petition is disposed of, accordingly. No Costs.

Sd/-
Assistant Registrar

***Deleted and Corrected in para 4
as per order dated 14.08.2015
and made herein
Sd/- Assistant Registrar (CS-III)
Dated : 02.09.2015**

True Copy

Sub-Assistant Registrar

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To

1. The Thasildhar
Egmore Taluk Office Chennai-31.
- 2 The District Collector
Office of the District Collector
Chennai-1.

To be substituted
to the order already
despatched on
13.08.2015

+1 cc to Government Pleader sr.no.35397

+1 cc to Mr.P.Manikannan, Advocates sr.42965

W.P.No.20772 of 2015

svi(co)
aa27/7/2015

PSI 03.09.2015

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