

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 22.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.21940/2015

R.Doraikannau

... Petitioner

Versus

1. The District Collector
Chennai District Collector office,
Singaravelar Maligai, Chennai 600001.
2. The Revenue Divisional Officer
Chennai District Collector Office
Singaravelar Maligai, Chennai 600001.
3. The Tahsildhar
Mambalam - Guindy Taluk,
Chennai 600078.
4. V.Bala
5. V.Yugaselvi
6. V.Suryakumar

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 18.07.2014 relating to cancellation of the legal heir certificate in NEMU-E1-NO/31799/2011 in Serial No.1899 dated 22.11.2011 by the 3rd respondent.

For Petitioner : Mr.k.P.Gopalakrishnan

For RR 1 to 3 : Mr.R.A.S.Senthilvel, Additional
Government Pleader

ORDER

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

2. The petitioner claims to be one of the legal heirs of his father [Late] M.C.Rajamanickam, who died on 20.10.1971 and according to him, his father died intestate and left all his property to his legal heirs and the petitioner further states that his brother, viz., Dilli, was unmarried and died on 01.10.2011. The grievance expressed

by the petitioner is that the 4th respondent, claiming to be the wife of the petitioner's brother, namely, Dilli, managed to get the legal heir certificate dated 22.11.2011 vide NEMU-E1-NO/31799/2011 in Serial No.1899, issued by the 3rd respondent and when the petitioner was aware of the same, he submitted a representation dated 18.07.2014 to the respondents 1 to 3 praying for cancellation of the legal heir certificate granted to the 4th respondent and since no orders have been passed, the petitioner came forward to file this writ petition.

3. Learned counsel for the petitioner would submit that the 4th respondent is married to one Vasu and the brother of the petitioner was never married and therefore, the 4th respondent cannot claim that she is the legally wedded wife of his brother and hence, prays for appropriate orders to cancel the legal heir certificate issued to the 4th respondent.

4. This Court heard the submissions made by Mr.R.A.S.Senthilvel, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 to 3.

5. This Court, taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the same, directs the 3rd respondent to consider and dispose of the petitioner's representation dated 18.07.2014 in accordance with law, after putting on notice the 4th respondent and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as to the 4th respondent herein.

6. The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

AP

To

1. The District Collector
Chennai District Collector office,
Singaravelar Maligai, Chennai 600001.
2. The Revenue Divisional Officer
Chennai District Collector Office
Singaravelar Maligai, Chennai 600001.

3. The Tahsildhar
Mambalam - Guindy Taluk,
Chennai 600078.

+1cc to M/s.K.P.Gopalakrishnan, Advocate sr.no.37345
+1cc to Government pleader, High Court Madras sr.no.37383

W.P.No.21940/2015

rsk[col]
srg 05.08.2015



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