

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.02.2015

CORAM

THE HONOURABLE MR.JUSTICE M. DURAISWAMY

W.P. No.5100 of 2015

M.Eagappan

... Petitioner

versus

1.The District Collector,
Thiruvallur, Thiruvallur District.

2.The Tahsildar,
Ambattur Taluk Office,
Ambattur, Chennai-600 053.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records in pursuant of the impugned order passed by the second respondent in his proceedings Mo.Mu.No.544/2015 A7 dated 13.02.2015 and to quash the same and consequently to direct the second respondent to issue legal heirs certificate of the petitioner's father late Muthu Reddiyar, S/o.Late Egappa Reddiyar, who died on 18.07.1993 after completing all formalities.

For petitioner : Mr.V.Jaishankar

For respondents: Mr.M.L.Mahendran,
Government Advocate

ORDER

Heard Mr.V.Jaishankar, learned counsel for the petitioner and Mr.M.L.Mahendran, learned Government Advocate appearing for respondents. By consent, the writ petition itself is taken up for final disposal.

2.The above writ petition has been filed by the petitioner to issue a writ of certiorarified mandamus to call for the records in pursuant to the impugned order passed by the second respondent in his proceedings Mo.Mu.No.544/2015 A7 dated 13.02.2015 and to quash the same and consequently to direct the second respondent to issue legal heirs certificate of the petitioner's father late Muthu Reddiyar, S/o.Late Egappa Reddiyar, who died on 18.07.1993, after completing all formalities.

3.The case of the petitioner is that his father Muthu Reddiyar had died on 18.07.1993, leaving behind 1)M.Gajendran 2)M.Subramani 3) M.Arumugam 4)M.Eagappan 5)M.Vasantha and 6)M.Balaraman as his legal heirs. The petitioner submitted an application before the second respondent for issuance of legal heir certificate with all relevant documents. The second respondent, by his order dated 13.02.2015, rejected the application stating that the petitioner has to approach the Civil Court, since the application was made after a lapse of 21 years. When there is no provision under the law, the application should be made by the petitioner within a stipulated time, according to the petitioner, the order passed by the second respondent cannot stand.

4.This Court in W.P. No.2526 of 2015 relying upon an un-reported decision of this Court made in R.Manivalraj v. State of Tamil Nadu represented by its Secretary, Revenue Department, Fort St. George, Chennai and another dated 10.07.2009, setting aside the order passed by the Tahsildar therein, who had rejected the application filed by the petitioner therein, after a lapse of 16 years for getting legal heir certificate for his deceased father. This Court while setting aside the order passed by the Tahsildar, given liberty to the petitioner to file fresh application along with all the records available in his custody and directed the Tahsildar to conduct enquiry into the matter, bearing in mind the decision of this Court cited supra and pass orders on merits and in accordance with law.

5.In the case on hand the petitioner has produced all the relevant documents along with his application before the second respondent. That being the case, following the order passed by this Court in W.P. No.2526 of 2015 dated 03.02.2015, while setting aside the impugned order dated 13.02.2015, I direct the second respondent to conduct enquiry into the matter, taking into consideration the orders passed by this Court in the un-reported decision in R.Manivalraj v. State of Tamil Nadu represented by its Secretary, Revenue Department, Fort St. George, Chennai and another dated 10.07.2009 and the order passed in W.P. No.2526 of 2015 dated 03.02.2015, cited supra and pass orders on merits and in accordance with law. The petitioner is also directed to co-operate with the enquiry to be conducted by the second respondent. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga

To

1.The District Collector,
Thiruvallur, Thiruvallur District.

2.The Tahsildar,
Ambattur Taluk Office,
Ambattur, Chennai-600 053.

+ 1 cc to the Government pleader Sr.10847
+ 2 ccs to Mr.V. Jaishankar, Advocate SR.1075

W.P. No.5100 of 2015

BKY (CO)
Eu 03.03.15



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