

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2016

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.10454 of 2016
and WMP.No.9191 of 2016

R.Revathy

... Petitioner

vs.

The Tahsildar
Alandur Taluk Office,
1st Main Road,
Nanganallur, Chennai - 61.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, directing the respondent to consider the application of legal heir certificates submitted by the petitioner to the respondent, dated 17.02.2016 and consequential relief directing the respondent to issue legal heir certificate in favour of the petitioner and her brother.

For Petitioner : Mr.T.Ramachandran

For Respondents: Mr.M.Digvijaya Pandian, AGP

O R D E R

The writ petition has been filed under Article 226 of the Constitution of India, seeking an order in the nature of writ of mandamus, directing the respondent to consider the application of legal heir certificates submitted by the petitioner to the respondent, dated 17.02.2016 and consequential relief directing the respondent to issue legal heir certificate in favour of the petitioner and her brother.

2. The petitioner has averred in his affidavit that his father, namely Deenadayalu Reddiar expired on 26.08.2009, leaving behind him and his brother Mr.K.Venkatak Krishnan as his legal heirs and his mother, Mrs.Kotteeswari pre-deceased his father. Hence, the petitioner submitted an application for Legal Heir Certificate to the respondent on 17.02.2016 and the same was received by the respondent on 20.02.2016. After receipt of the said application, the respondent had not taken any steps either to conduct enquiry or call for the documents from the petitioner. The petitioner has also submitted the following documents with the said application, namely (i) Death

Certificate of K.S.Deenadayalu Reddy, dated 06.10.2009, (ii) Death Certificate of Kotteswari, (iii) Voter ID card of R.Revathy, (iv) Family card of R.Revathy and (v) Aadhar card of R.Revathy. In spite of the same, the respondent has not passed any order, on the representation of the petitioner, hence, the petitioner has come forward with the present writ petition, seeking for the relief as stated supra.

3. Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondent.

4. Considering the facts and circumstances and after hearing the submissions of both sides, I am of the opinion it would be appropriate to direct the respondent to dispose the representation of the petitioner. Accordingly, without going into the merits of the averments made in the accompanying affidavit, the respondent is directed to consider the representation of the petitioner, dated 17.02.2016, within a period of Eight weeks from the date of receipt of a copy of this order, after affording reasonable opportunity of personal hearing to the petitioner as well as to all the necessary parties. It is also made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petitioner and it is open to the respondents to decide the issue purely on merits and in accordance with law.

5. With the above observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(J)

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Sub Assistant Registrar

tsvn

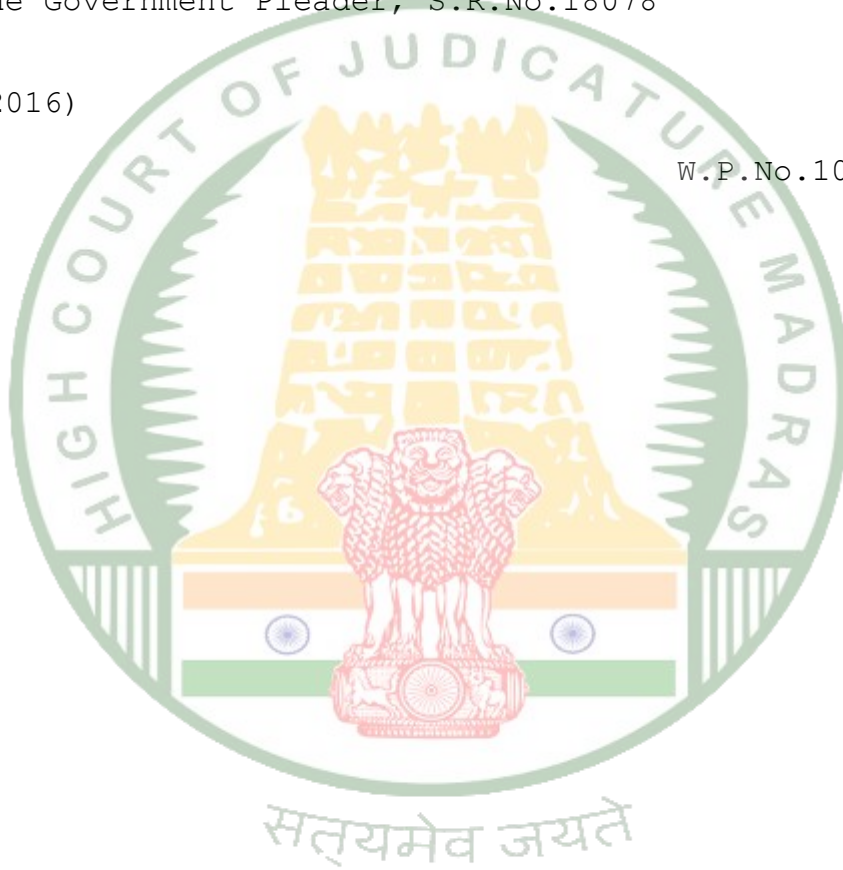
To

The Tahsildar
Alandur Taluk Office,
1st Main Road,
Nanganallur, Chennai - 61.

+1cc to Mr.T. Ramachandran, Advocate, S.R.No.17701
+1cc to the Government Pleader, S.R.No.18078

SVI (CO)
EU(04/04/2016)

W.P.No.10454 of 2016



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