

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE:07.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.19024/2016

M.Rajendiran

... Petitioner

-Versus-

1.The District Collector
District Collectorate
Kancheepuram District.

2.The Tahsildar
Chengalpet Taluk
Kancheepuram District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondents to conduct proper enquiry within a stipulated time fixed by this Court along with the petitioner and to issue the legal heir certificate to the petitioner and consider the certificate to the petitioner and consider the petitioner's representation to the respondents on 31.03.2016.

For Petitioner : Mr.D.Padmanabhan

For Respondents: Mr.V.S.Ramesh,
Govt. Advocate

ORDER

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

2 The petitioner would state that his son namely Annamalai @ Ezhumalai, aged about 25 years, had worked as a Casual Labour in a private company, viz., Saamundeeswari Leather Company, Kolapakkam, Chennai-127, and on account of the leakage of poisonous gas, that happened in the company, the son of the petitioner died. In this regard, a case in Cr.No.255/2015 for the commission of the offence u/s.304-A IPC was also registered by the jurisdictional police. The petitioner, vide application dated 27.07.2015, applied for Legal Heir Certificate and it was also acknowledged by the 2nd

respondent, which is available in page No.5 of the typed set of papers and he made an endorsement forwarding the papers to the Revenue Inspector, Vandaloore, for conducting an enquiry. The grievance expressed by the petitioner is that though the application for getting the Legal Heir Certificate was submitted as early as on 27.07.2015, followed by a reminder dated 31.03.2016, no orders have been passed and hence, the petitioner is constrained to approach this Court by filing the present writ petition.

3 The learned counsel for the petitioner would submit that since the Legal Heir Certificate is required for the purpose of getting benefits, due and payable to the petitioner's demised son, the petitioner who is the parent, is in urgent need of the said certificate and prays for appropriate orders.

4 Mr.V.S.Ramesh, learned Government Advocate, who accepts notice on behalf of the respondents, would submit that appropriate orders will be passed expeditiously by the authorities concerned.

5 This Court considered the rival submissions.

6 Mr.Siva Elango, the President of Satta Panchayat Iyakkam, T.Nagar, Chennai-17, has filed WP.No.34201/2014, praying for framing of Right to Services Act and in the said writ petition, on behalf of the Chief Secretary to the Government of Tamil Nadu and on behalf of the Principal Secretary to the Government, Personnel and Administrative Reforms Department, Thiru P.Chithanaar, the Deputy Secretary to the Government, P&AR Department, has filed an additional counter affidavit. As per the said counter affidavit, the Legal Heir Certificates will be issued within fifteen days from the date of submission of the application. However, insofar as the case on hand is concerned, it remained in the cold storage for nearly one year.

7 Despite the solemn undertaking given on behalf of the Chief Secretary to the Government of Tamil Nadu, it appears tht the revenue officials are not taking any serious steps to dispose of the applications praying for issuance of the Legal Heir Certificates and also the request made for issuance of patta/transfer of patta. Therefore, it is high time that the concerned Head of Department shall take appropriate remedial action and see to that the applications filed for issuance of the Legal Heir Certificates, grant of patta/transfer of patta, are disposed of expeditiously in terms of the above cited counter affidavit filed in WP.No.34201/2014. It is also very pertinent to point out at this juncture that this Court is repeatedly flooded with writs praying for issuance of mandamus directing the authorities

concerned for issuance of Legal Heir Certificates, grant of patta and transfer of patta etc., and it takes away the valuable time of this Court.

8 This Court, in the light of the above facts and circumstances, directs the 2nd respondent to consider and dispose of the petitioner's application dated 27.07.2015 for issuance of the Legal Heir Certificate as well as the reminder dated 31.03.2016 as expeditiously as possible and not later than three weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

9 The writ petition is disposed of with the above direction. No costs.

AP

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector
District Collectorate
Kancheepuram District.
- 2.The Tahsildar
Chengalpet Taluk
Kancheepuram District.
3. The Chief Secretary to the Government
Government of Tamil Nadu,
Fort St George, Chennai 600 009.
4. The Revenue Secretary to the Government
Government of Tamil Nadu,
Fort St George, Chennai 600 009.

+ 1 cc to The Govt.Pleader, Sr 30501

KR/20/6/16

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