

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.20464 of 2016
and
W.M.P.No.17563 of 2016

R.Saraswathy Ammal

... Petitioner

Vs.

1.The District Collector,
Chennai.

2.The Tahsildar,
Aminjikarai Taluk,
Aminjikarai,
Chennai - 600 107.

3.Mr.Sekar

4.K.Sudha

5.Harshitha Shree

6.Madumita

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of certiorarified mandamus to call for the records of the second respondent pertaining to legal heir certificate in Pa.Mu.E.3/5068/2015, Serial No.740 of 2015 dated 19.08.2015 and quash the same as illegal, arbitrary and non est in law and consequently direct the first respondent to initiate appropriate disciplinary proceedings and criminal action against the second and fourth respondent in accordance with law.

For Petitioner : Mr.B.Vijay

For Respondents: Mr.R.A.S.Senthilvel
Additional Government Pleader[R1 & R2]

O R D E R

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

2. The petitioner would state that she is the widow of late T.K.Rathinapandian and have three sons viz., Kosalramchandian, Karthikeyan, and Krishnakumar and two

daughters viz., Nadhadevi, and Manjuladevi and one of the son viz., Krishnakumar had committed suicide. The grievance expressed by the petitioner is that her daughter-in-law viz., the 4th respondent, who is the wife of late Krishnakumar had approached the second respondent without disclosing the fact that apart from her and respondents 5 and 6, there are other legal heirs viz., the petitioner and the brothers and sisters of late Krishnakumar and managed to get legal heir certificate and making use of the same, made an attempt to mutate revenue and other records. The petitioner, in this regard, has lodged a complaint on the file of the Inspector of Police, Aminjikarai Police Station, Aminjikarai, Chennai - 600 107, on 02.02.2016 and also approached the first respondent for cancellation of the said legal heir certificate. It is further stated by the petitioner that the second respondent vide communication in Na.Ka.No.E3/648/2016, dated 04.02.2016 has also informed that the enquiry conducted revealed that the 4th respondent has suppressed the fact of availability of the other legal heirs, managed to get legal heir certificate and therefore, called upon her to remand the same.

3. The learned counsel appearing for the petitioner would state that in spite of such communication sent by the second respondent, the 4th respondent did not surrender the legal heir certificate and going to register the same for their oblique motive and therefore, prays for appropriate orders.

4. This Court heard the submission of Mr.R.A.S.Senthilvel, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 and 2.

5. A perusal of the typed set of documents would disclose that the petitioner in this regard has also submitted a representation dated 08.02.2016 to the first respondent followed by a reminder dated 30.05.2016 and though it was acknowledged on 30.05.2016 itself, the first respondent is yet to take any action.

6. Though the petitioner prays for the larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner either in her representation or in this writ petition, directs the 1st respondent to consider and dispose of the petitioner's representation dated 08.02.2016 and reminder dated 30.05.2016 on merits and in accordance with law, after putting on notice the second respondent and the respondents 4 to 6 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 the respondents 4 to 6.

The Writ Petition is disposed of accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vsm

To

1.The District Collector,
Chennai.

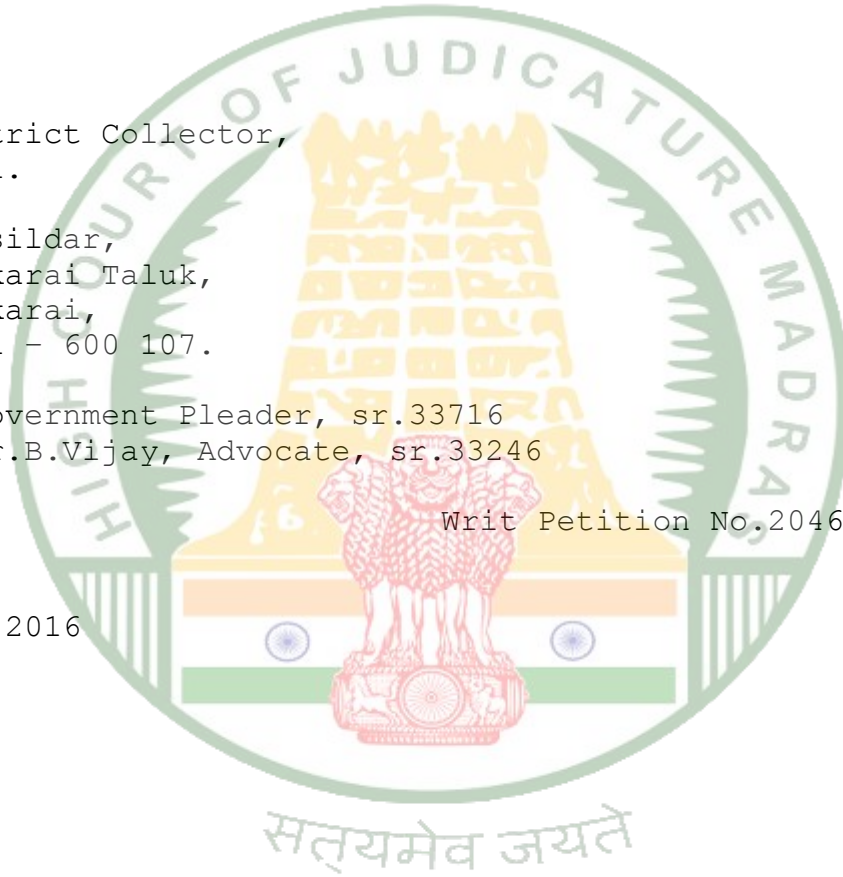
2.The Tahsildar,
Aminjikarai Taluk,
Aminjikarai,
Chennai - 600 107.

1 cc to Government Pleader, sr.33716

1 cc to Mr.B.Vijay, Advocate, sr.33246

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