

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No. 38929 of 2016

K. Bhuvaneswari
rep. by her general power of attorney
K. Gajalakshmi
D/o. Late. K.M. Kamalanathan
No.24/12, Veera Kudi Vellalar Street
Chengalpattu
Kancheepuram District - 603 001 Petitioner

Versus

1. The District Collector
Kancheepuram
Kancheepuram District
2. The Revenue Divisional Officer
Chengalpattu
Kancheepuram District
3. The Tahsildar
Chengalpattu
Kancheepuram District
4. J.Jegajothi
5. J.Selva Prakash
6. M.Selvi
7. Meenakshi
8. Narmatha
9. Senthil Kumar ... Respondents

Petition filed under Article 226 of The Constitution of India praying for a Writ of Mandamus directing the second respondent to dispose and enquire on the basis of the petitioner's complaint dated 23.02.2015 against the 4th, 5th, 6th, 7th, 8th and 9th respondents herein.

For Petitioner : Mrs. K. Gajalakshmi
Petitioner in Person

For Respondents : Mr. P. Chinnadurai
Government Advocate
for RR1 to 3

ORDER

The case of the petitioner is that her father Ekambara Mudaliar died in the year 1990. During his life time, her father possessed certain immovable properties in Chengalpet Taluk and District. According to the petitioner, Ekambara Mudaliar married Anjalakshmi Ammal through whom a son Jayavel born. Subsequently, Anjalakshmi Ammal died and therefore Ekambara Mudaliar contracted a second marriage with Kullammal through whom four children namely (i) Varalakshmi (ii) Kalavathy (iii) Alagesan and (iv) Bhuvaneswari (petitioner herein), were born. Subsequently, the son born through the first wife Jayavel also died leaving behind him the respondents 4 to 6 as his legal heirs. The said Alagesan, brother of the petitioner also died leaving behind his legal heirs the respondents 7 to 9 herein. It is the case of the petitioner that on the death of Ekambara Mudaliar, a legal heir certificate was obtained in which the name of E. Jayavel and E. Alagesan alone were mentioned. The petitioner has therefore submitted a representation dated 23.02.2015 to the official respondents seeking to cancel the legal heir certificate issued to the deceased Ekambara Mudaliar and to issue a fresh legal heir certificate by including the name of all those who succeed to the estate of Ekambara Mudaliar, including the petitioner. As the representation dated 23.02.2015 has not been considered and orders passed, the petitioner-in-person has filed this writ petition.

2. Heard the petitioner-in-person and the learned Government Advocate appearing for the respondents 1 to 3. The learned Government Advocate appearing for the respondents 1 to 3 brought to the notice of this Court that on 18.11.2016, a notice was sent by the third respondent in Na.Ka.No.4227/2016/A4 to the petitioner and the respondents 4 to 9 herein calling upon them to appear for an enquiry today i.e., 22.11.2016. The learned Government Advocate appearing for the respondents 1 to 3 therefore submitted that the third respondent will conduct appropriate enquiry and pass orders on the representation made by the petitioner on 23.02.2015.

3. Having regard to the above submission of the learned Government Advocate appearing for the respondents 1 to 3, without expressing any opinion on merits, the third respondent is directed to complete the enquiry initiated by him pursuant to the notice bearing reference No. Na.Ka.No.4227/2016/A4 dated 18.11.2016, hear the petitioner as well as the respondents 4 to 9 and pass orders on merits and in accordance with law within a period of one month from the date of receipt of a copy of this order. Accordingly, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

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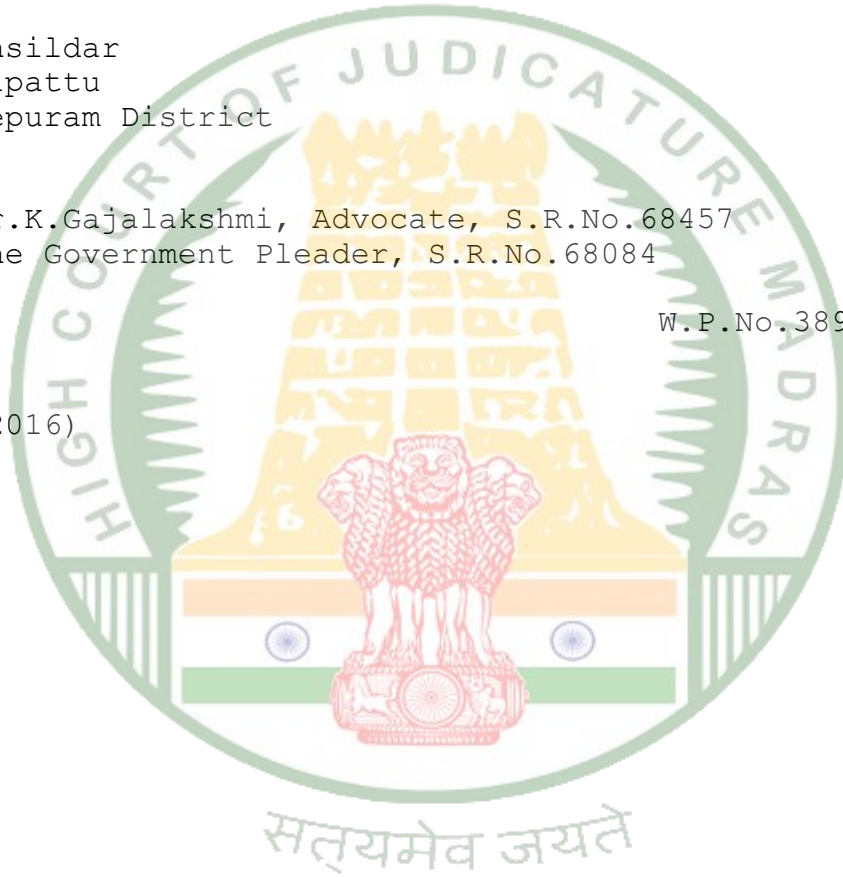
To

1. The District Collector
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Kancheepuram District
2. The Revenue Divisional Officer
Chengalpattu
Kancheepuram District
3. The Tahsildar
Chengalpattu
Kancheepuram District

+lcc to Mr.K.Gajalakshmi, Advocate, S.R.No.68457
+lcc to the Government Pleader, S.R.No.68084

W.P.No.38929 of 2016

RV(CO)
CA(15/12/2016)



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