

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2016

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.40531 of 2016

C.Sundarasamy

... Petitioner

Versus

1. The District Collector,
Thiruppur District,
Thiruppur.

2. The Revenue Divisional Officer,
Thiruppur,
Thiruppur District.

3. The Tahsildar,
Udumalaipet Division,
Thiruppur District,
Thiruppur.

... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, to direct the respondents herein to issue legal heir certificate to the petitioner herein for the death of his father Chellamuthu Gounder immediately.

For Petitioners : Mr.R.Ramesh

For Respondents : Mr.P.Chinnadurai,
Government Advocate

ORDER

By consent of both parties, the present writ petition is taken up for final disposal at the admission stage itself.

2. The prayer of the writ petition is to direct the respondents herein to issue legal heir certificate to the petitioner herein for the death of his father Chellamuthu Gounder immediately.

3. The case of the petitioner is that his father, namely, Chellamuthu Gounder, after getting his respective shares in the ancestral properties, was enjoying the property without any hindrance from anybody else. The petitioner's father was having illegal intimacy with one Karupathammal and without marrying her, he was having one male child, namely, Ponnudurai.

The petitioner's father died on 27.03.2013 leaving behind him and his mother. After the death of his father, the petitioner applied for a legal heir certificate with the third respondent on 05.04.2013, but, they refused to issue legal heir certificate since there was an objection from Ponnudurai stating that he and his mother are also the legal heirs of the petitioner's father. Hence, the petitioner filed a Civil Suit before the learned District Munsif Court, Udumalaipet in O.S.No.278 of 2013 to declare him and his mother alone as the legal heirs of his deceased father Chellamuthu Gounder. The Court also passed a decree on 08.01.2015 declaring that the petitioner, his mother and Ponnudurai are the legal heirs of the deceased Chellamuthu Gounder and stating that three persons only are having rights over the properties of Chellamuthu Gounder. After passing the decree, the first and third respondents have not issued legal heir certificate to the petitioner. Hence, he made several representations to the first and third respondents, which was not considered by them and finally, on 05.10.2016, he made a representation to the third respondent to issue legal heir certificate. Till date, there was no response on the said representation. Hence, the present writ petition has been filed.

4. The learned counsel for the petitioner submitted that it would suffice, if the respondents are directed to dispose of the representation, dated 05.10.2016, on merits and in accordance with law.

5. Considering the pendency of the petitioner's representation dated 05.10.2016 and without going into the merits of the case, the respondents are directed to pass appropriate orders on the representation of the petitioner dated 05.10.2016, on merits and in accordance with law, as expeditiously as possible.

6. With the above direction, the present Writ Petition is disposed of. No costs.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1. The District Collector,
Thiruppur District,
Thiruppur.

2. The Revenue Divisional Officer,
<https://hcservices.ecourts.gov.in/hcservices/>
Thiruppur,
Thiruppur District.

3. The Tahsildar,
Udumalaipet Division,
Thiruppur District,
Thiruppur.

+ 1 cc to Mr.R.Ramesh, Advocate Sr.No.66892
+ 1 cc to The Government Pleader Sr.No.67531

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CO/SSK

RRI 29/12/2016



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