

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.5083 of 2016
and
WMP.No.4420 of 2016

Venkataramanappa

... Petitioner

vs.

1.The District Collector,
Collector Office,
Bangalore Main Road,
Krishnagiri District.

2.The Revenue Divisional Officer,
RDO Office,
Thali Road, Hosur,
Krishnagiri District.

3.The Tahsildar,
Taluk Office, Hosur,
Krishnagiri District.

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus to call for the records relating to the impugned order No.Oo.Moo.7046/2013/C1 dated 29.04.2013 issued by the third respondent and quash the same and consequently direct the third respondent to issue the legal heir certificate to the petitioner's at Gurupratharapalli Village, Nallakana Kothappalli Tharappu, Perandappalli Post, Hosur, Krishnagiri District within a time frame.

For Petitioner : Mr.M.D.Thirunavukkarasu
For Respondents : Mrs.P.Rajalakshmi,
Government Advocate

ORDER

The petitioner has come up with the present writ petition challenging the order dated 29.04.2013 issued by the third respondent and consequently directing the third respondent to issue a legal heir certificate to him within a time frame fixed by this Court.

2. It is the case of the petitioner that he is the adopted son of one Chinnabiddappa @ Chinna Venkataramanappa and his wife Venkatamma, who were none else than his paternal uncle and aunt. After their death, the petitioner being their only legal heir, made an application to the third respondent, for legal heir certificate. However, the third respondent by an order dated 29.04.2013, rejected the petitioner's request for want of necessary documents in support of his claim. Aggrieved over the same, the petitioner has filed the present writ petition for the above stated relief.

3. Though the petitioner has raised very many averments in this writ petition, challenging the impugned order passed by the third respondent, the learned counsel for the petitioner, during the course of his argument, submitted that it would be suffice, if an opportunity is given to the petitioner to submit a fresh representation along with necessary documents and the same may be directed to be disposed of, within a time frame fixed by this Court, for which, the learned Government Advocate appearing for the respondents has no serious objection.

4. In view of the submission so made by the learned counsel for the petitioner, this Court permits the petitioner to make a fresh representation enclosing necessary documents in support of his claim, along with a copy of this order to the respondents within a period of two weeks from the date of receipt of a copy of this order. On filing such representation, the respondents are directed to conduct enquiry and pass appropriate orders, with regard to issuance of legal heir certificate to the petitioner, after affording due opportunity of personal hearing to him, within a period of twelve weeks thereafter. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the respondents to pass appropriate orders purely on merits and in accordance with law.

5. The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rk

To

1.The District Collector,
Collector Office,
Bangalore Main Road,
Krishnagiri District.

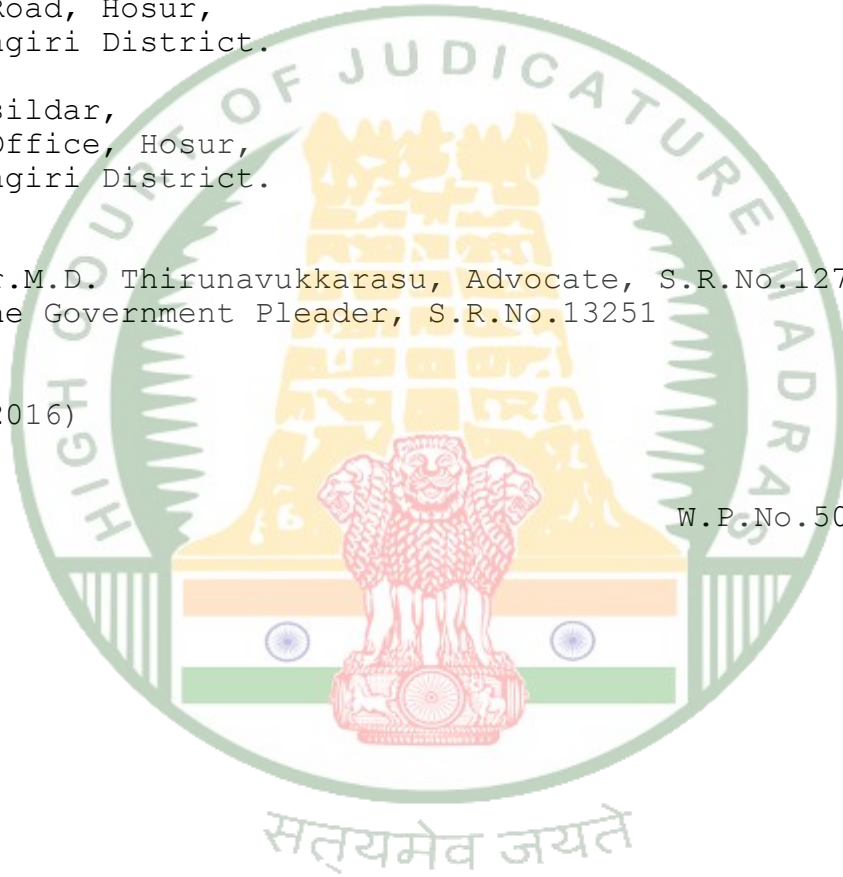
2.The Revenue Divisional Officer,
RDO Office,
Thali Road, Hosur,
Krishnagiri District.

3.The Tahsildar,
Taluk Office, Hosur,
Krishnagiri District.

+lcc to Mr.M.D. Thirunavukkarasu, Advocate, S.R.No.12796
+lcc to the Government Pleader, S.R.No.13251

CTK(CO)
EU(16/03/2016)

W.P.No.5083 of 2016



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