

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.5920 of 2016

L.Sivasankari

... Petitioner

Vs.

1.The Revenue Divisional Officer
Office of RDO
Villupuram.

2.The Tahsildar
Tahsildar office,
Villupuram,
Villupuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the respondent to consider the representation of the petitioner dated on 05.12.2015 pending before the 1st respondent.

For Petitioner : M/s.V.Janarthanan

For respondents : M/s.Dig Vijay Pandian,
Additional Government Pleader

ORDER

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come up with the present writ petition for issuance of writ of mandamus to direct the respondent to consider the representation of the petitioner dated on 05.12.2015 pending before the 1st respondent.

3.The father of the petitioner who worked in MFL and got retired. He died on 22.07.2000 and all his retirement benefits are received by the mother of the petitioner. Thereafter, the petitioner obtained legal heir certificate of her father from the Tahsildar, Ambattur, Chennai.

4.The grandfather of the petitioner viz., Natesan Mudaliyar executed a Will with regard to all his property by giving the enjoyment rights to Senbagavalli who is the first wife of Petitioner's father and provided full rights to the petitioner and made a condition that only the legal heir of his son N.Loganathan who is the father of petitioner herein can only alienate or any transfer regards to his property.

5.In the meanwhile, by way of adoption deed registered on 30.03.2012 the said Senbagavalli first wife of petitioner's father adopted one Balaji @ Laksmi Narayanan s/o.Selvaraj and Suseela. The said Balaji @ Laksmi Narayanan filed suit in OS.No.306/2012 on the file of Principal District Civil Court, Villupuram to declare him as legal representative of N.Loganathan which was ordered on 17.11.2012 declaring him as legal heir of N.Loganathan. Based on the adoption deed and order of the civil court the said Balaji@Laksmi Narayanan obtained legal heir certificate from the second respondent. The petitioner submitted his representation to the first respondent dated 05.12.2015 to cancel the said legal heir certificate issued by the second respondent. But till date the respondents has not taken any steps, hence the petitioner filed the present writ petition.

6.Heard the submissions of learned counsel appearing for the petitioner and the learned Additional Government Pleader who accepts notice on behalf of the respondents.

7.Though, very many contention have been raised in this writ petition, at the time of argument, the learned counsel for the petitioner submitted that it would be suffice if a direction is given to the respondents to consider his representation which was given to cancel the legal heir certificate.

8.In view of the submissions made by the learned counsel for the petitioner, this Court without going into the merits of the case, directs the second respondent to consider the representation of the petitioner's dated 05.12.2015 and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording opportunity of personal hearing to the petitioner as well as to the Balaji @ Laksmi Narayanan and necessary parties, if any. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petitioner and it is for the second respondent to decide the representation purely on merits.

9.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Revenue Divisional Officer
Office of RDO
Villupuram.

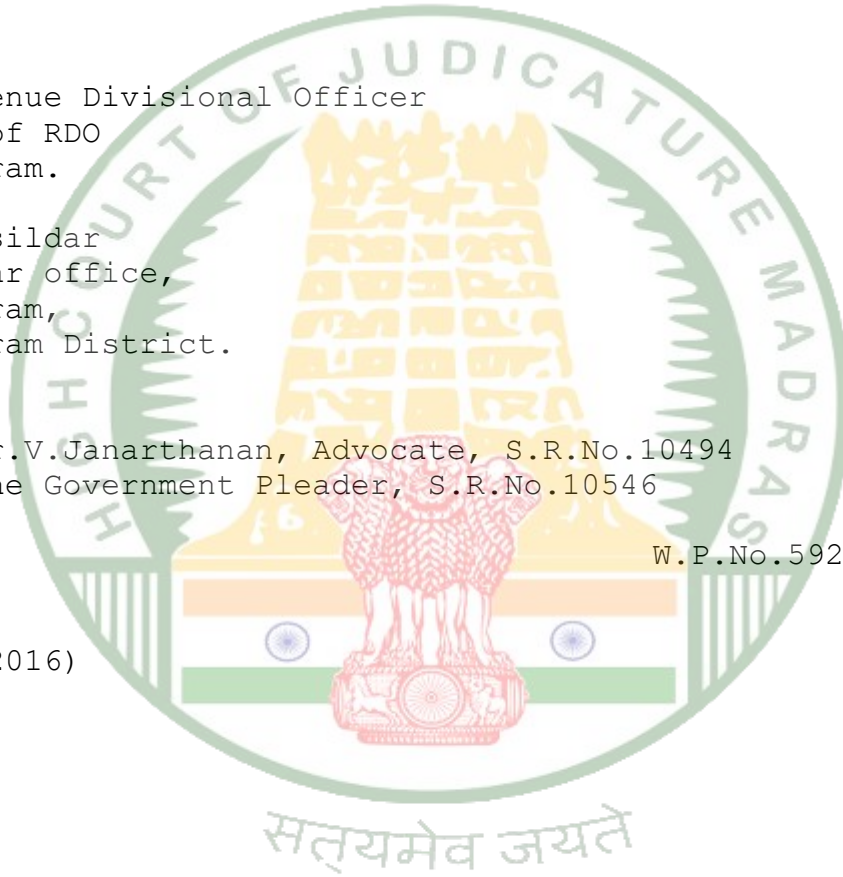
2.The Tahsildar
Tahsildar office,
Villupuram,
Villupuram District.

+1cc to Mr.V.Janarthanan, Advocate, S.R.No.10494

+1cc to the Government Pleader, S.R.No.10546

W.P.No.5920 of 2016

SAI (CO)
CA(04/03/2016)



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