

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.6887 of 2016

S.Giridhar

.. Petitioner

Vs.

1. The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.
 2. The Thasildhar,
Dharmapuri, Dharmapuri District.
 3. Dhanalakshmi
 4. Ganapathy
 5. Chithra
 6. Veni
 7. Meera
 8. Vasanthi
 9. Ravi
 10. Karunakaran Balakrishnan
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent to consider the petitioner's appeal, dated 02.08.2013 and to cancel the Legal Heirship Certificate issued to the respondents 3 to 10 within the time frame as may be fixed by this Court.

For Petitioner : Mr.K.Gandhikumar
For Respondents : Mr.V.Jayaprakash Narayanan,
Spl.Govt.Pleader for RR-1 & 2

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the first respondent to consider the petitioner's appeal, dated 02.08.2013 and to cancel the Legal Heirship Certificate issued to the respondents 3 to 10 within the time frame as may be fixed by this Court.

2. It is case of the petitioner as projected in the affidavit filed in support of the Writ Petition that the petitioner is doing agricultural work and himself and his

brother S.Baskar are the adopted sons of late Narayana Chettiar and Alamelu Ammal. During 2003, the said Narayana Chettiar died and the petitioner's brother and the petitioner performed the funeral ceremonies in the capacity of sons. After obtaining the Death Certificate, the petitioner applied for Legal Heirship Certificate with relevant documents and the same was enquired by the Revenue officials. The second respondent issued the Legal Heirship Certificate, dated 21.08.2003 by mentioning Tmt.Alamelu Ammal, Giridhar and Baskar as legal heirs of the deceased Narayana Chettiar. After the death of their father, the petitioner and his brother alone were looking after their mother Alamelu Ammal, who died in 2012. The petitioner and his brother performed the funeral ceremonies of said Alamelu Ammal in the capacity of sons. During April 2012, the petitioner and his brother got the Legal Heirship Certificate from the second respondent and after lapse of two years, the respondents 3 to 10 got the Legal Heirship Certificate of the deceased Narayana Chettiar and Alamelu Ammal, and they gave trouble to the petitioner's peaceful possession and enjoyment of the properties. Therefore, the petitioner preferred appeal on 02.08.2013 before the first respondent to cancel the Legal Heirship Certificate issued to the respondents 3 to 10, and after enquiry by the first respondent, an order dated 11.06.2014 was passed directing the second respondent to conduct a detailed enquiry and to pass final order in the petitioner's appeal and the first respondent also sent the entire file to the second respondent. When the second respondent is approached for cancellation of the Legal Heirship Certificate issued to the respondents 3 to 10, the second respondent did not conduct any enquiry and has not passed an order as directed by the first respondent, against which, the present Writ Petition is filed by the petitioner for the above said relief.

3. Heard both sides.

4. In view of the order that is going to be passed, it is not necessary to issue notice to respondents 3 to 10.

5. Taking into consideration the facts and circumstances of the case, this Writ Petition is disposed of, with a direction to the second respondent to consider the said appeal, dated 02.08.2013 of the petitioner and after giving an opportunity of personal hearing to the petitioner and necessary parties, including the respondents 3 to 10, dispose of the said appeal, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. It is

made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the second respondent to decide the same purely on merits. No costs.
cs

-s/d-
Assistant Registrar (CS-II)

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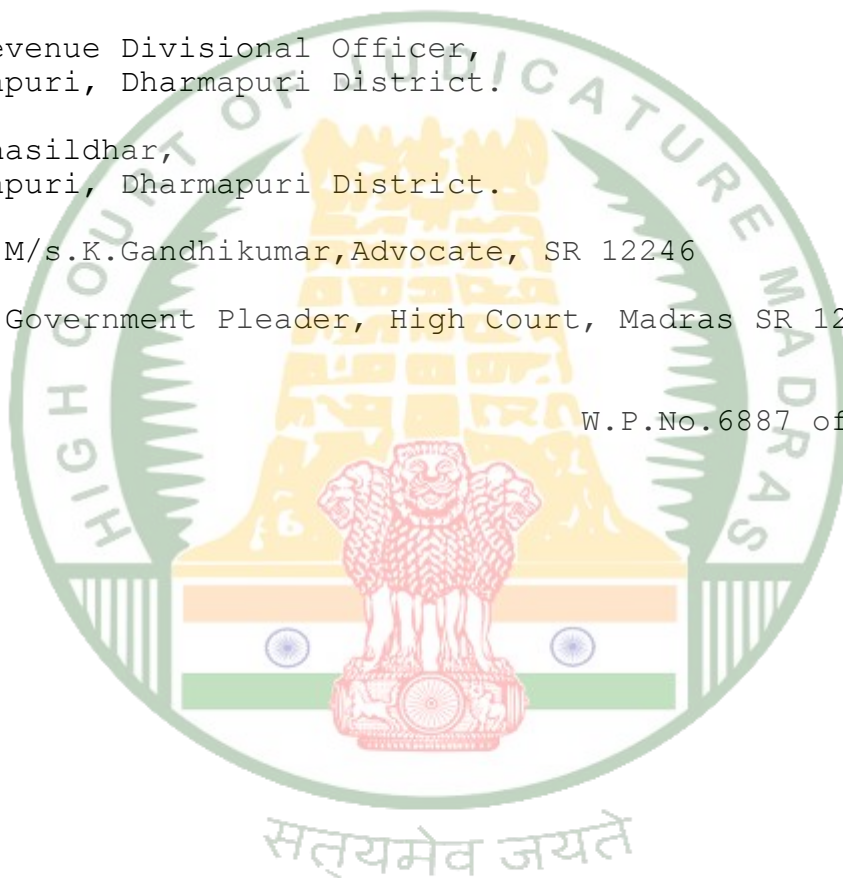
Sub-Assistant Registrar

Copy to

1. The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.
 2. The Thasildhar,
Dharmapuri, Dharmapuri District.
- + 1 cc to M/s.K.Gandhikumar, Advocate, SR 12246
+ 1 cc to Government Pleader, High Court, Madras SR 12525

sai(co)
prk10/3

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