

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10/3/2016

C O R A M

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.8974 of 2016

1. R. Mageshwari
2. Agila
3. Prabhu Kumar ... Petitioners

Vs

1. The Tahsildar
Taluk Office
Tiruppattur
Vellore District.
2. The Revenue Divisional Officer
Office of the Revenue Divisional Office
Tirupattur
Vellore District.
3. The Deputy Collector
Office of the Deputy Collector
Tiruppattur
Vellore District.
4. The District Collector
Office of the District Collectorate
Vellore District.
5. Amudha ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the second respondent to dispose of the appeal dated 26/10/2015 filed by the petitioners, as expeditiously as possible.

For Petitioner ... Mr.N.Jayakumar

For respondent ... Mr.M.Dig Vijaya Pandian
Additional Government Pleader
for R.R.1 to 4.

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O R D E R

With the consent of the learned counsel appearing on either side, this writ petition is taken up for final disposal.

2. Heard Mr.N.Jayakumar, learned counsel for the petitioner and Mr.M.Dig Vijaya Pandian, learned Additional Government Pleader for the respondents 1 to 4.

3. This writ petition has been filed, praying to direct the second respondent, to dispose of the appeal, dated 26/10/2015, filed by the petitioners, as expeditiously as possible.

4. The case of the petitioners is that the first petitioner is the legally wedded wife of late Ravindran and the second and third petitioners are the daughter and son. The fifth respondent is the son of the petitioner's husband, born through his second wife. When the suit for declaration of the legal heirs of the deceased A.Ravindran is pending for disposal before a Civil Court and when the partition suit is also pending for disposal, the legal heirship certificate dated 3/4/2013, which was obtained unlawfully by the fifth respondent should not be given effect to. Hence the petitioner had filed an appeal before the second respondent on 26/10/2015. Since the second respondent has not disposed of the same till date, the petitioners had come forward with the present writ petition praying for the relief as stated therein.

5. Without going into the merits of the claim of the petitioner, the second respondent is hereby directed, to conduct enquiry on the appeal preferred by the petitioners, dated 26/10/2015, and pass an appropriate order, on merits and in accordance with law, within a period of eight weeks, from the date of receipt of a copy of this order, by affording an opportunity of personal hearing to the petitioners, as well as to all the necessary parties concerned including the fifth respondent. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petition.

6. With the above direction, this writ petition is disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

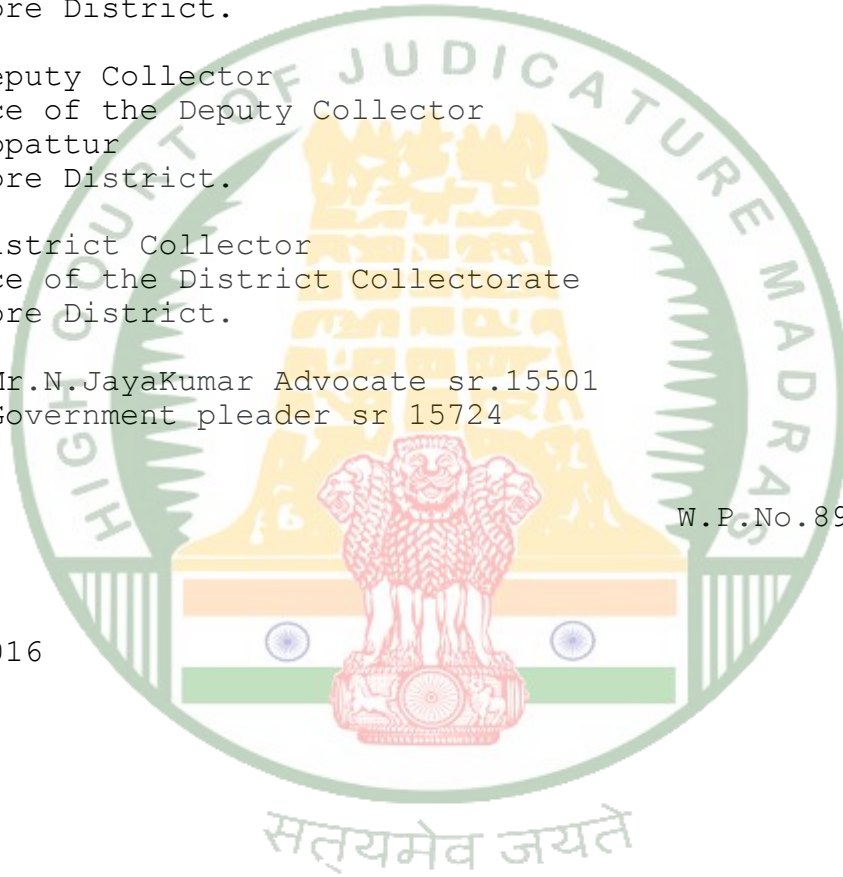
To

1. The Tahsildar
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2. The Revenue Divisional Officer
Office of the Revenue Divisional Office
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Vellore District.

+1 cc to Mr.N.JayaKumar Advocate sr.15501
+1 cc to Government pleader sr 15724

W.P.No.8974 of 2016

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