



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 14.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P (MD) No.11277 of 2016

S.A.Pitchaikani

...Petitioner

Vs

1.The District Collector,
Collectorate Office,
Tuticorin District,
Tuticorin.

2.The Tahsildar,
Etaiyapuram Taluk,
Tahsildar Office,
Etaiyapuram,
Tuticorin District.

3.The Tahsildar,
Sivakasi Taluk,
Tahsildar Office,
Sivakasi,
Virudhunagar District.

4.The Village Administrative Officer,
Sivakasi Circle,
Sivakasi,
Viruthunagar District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to issue Legal Heirship Certificate to the Petitioner and his wife Subbulakshmi, as Legal Heirs of their deceased daughter one Thoranammal by considering the Petitioner's representation to the respondents within the period stipulated by this Court.

For Petitioner : Mr.S.Selvakumar

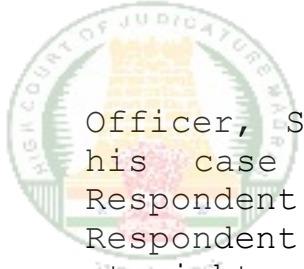
For Respondents : Mr.S.Kumar

Addl.Govt.Pleader

ORDER

Heard both sides.

2. According to the Petitioner, he and his wife and his deceased son-in-law are the legal heirs of his deceased daughter and that he had applied for legal heirship certificate before the Third Respondent / Tahsildar / Sivakasi Taluk, Virudhunagar District. In fact, the Fourth Respondent / Village Administrative



Officer, Sivakasi, had submitted a favorable reply, recommending his case before the Third respondent. However, the Third Respondent / Tahsildar, without considering the Fourth Respondent's report / Village Administrative Officer, Sivakasi, straightway passed an order to approach the Second Respondent to obtain the legal heirship certificate.

3. The case of the Petitioner is that he had submitted an application before the Second Respondent also on 21.11.2015 and also submitted an application before the First Respondent. The Second Respondent has not taken any steps on his application so far and hence, he was perforced to issue legal notice to Respondents 1 and 2, through his Learned Counsel, on 16.12.2015, which was received on 18.12.2015. Inspite of receipt of legal notice, no further progress is made in the subject matter in issue. Hence, the Petitioner has filed the present Writ Petition.

4. Considering the limited relief sought for by the Petitioner in the present Writ Petition viz., to consider his representation made on 21.11.2015, addressed to both the Respondents and till date, the said representation is pending without any positive disposal in the hands of concerned person, at this stage, this Court, without traversing upon the merits and contents of the representation so made by the petitioner and also not delving deep, in the interest of justice, directs the Second Respondent / Tahsildar, Etaiyapuram Taluk, Tuticorin District, to look into the representation of the Petitioner, as afore stated, and dispose of the same, within a period of four weeks from the date of receipt of a copy of this order and to do the needful in the subject matter in issue. It is open to the second respondent / Tahsildar, Etaiyapuram Taluk Tuticorin District, to pass a reasoned speaking order, on merits (Of-course, by providing necessary opportunity to the Petitioner and others concerned, if any, by adhering to the principles of natural justice). The Petitioner is directed to co-operate with the Second Respondent, so as to enable him to dispose of his representation, within a time prescribed by this Court

5. With the aforesaid observations and directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1. The District Collector,
Collectorate Office,
Tuticorin District,
Tuticorin.



2.The Tahsildar,
Etaiyapuram Taluk,
Tahsildar Office,
Etaiyapuram,
Tuticorin District.

3.The Tahsildar,
Sivakasi Taluk,
Tahsildar Office,
Sivakasi,
Virudhunagar District.

4.The Village Administrative Officer,
Sivakasi Circle,
Sivakasi,
Viruthunagar District.

+1cc to M/s.S.Selvakumar, Advocate in SR.37055
+1cc to the Special Government Pleader, in SR.37148

W.P (MD) No.11277 of 2016
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mpk

PBK/AAL-MPA/SAR-III 25/07/2016 ::3P-7C::