

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 08.09.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN****W.P. (MD) No.17016 of 2016**

M.Rajendran

... Petitioner

Vs.

1. The District Collector,
Sivagangai District,
Collectorate,
Sivagangai.
2. The District Revenue Officer,
Sivagangai District,
Collectorate,
Sivagangai.
3. The Tahsildar,
Thiruppuvanam Taluk,
Thiruppuvanam,
Sivagangai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the 'impugned rejection order' passed by the third respondent in O.Mu.A2/63/2016 dated 02.03.2016 and quash the same and consequently, direct the second respondent, the sole appellate authority to conduct enquiry as contemplated by law and issue legal heirship certificate to the petitioner and others to the effect that they are all the legal heirs of one Mr.V.Periyapandi (Late) who is the first younger brother of petitioner father within the time frame as may be stipulated by this Court.

For Petitioner

: Mr.R.Srinivasan

For Respondents

: Mr.V.Muruganandam
Additional Govt. Pleader

O R D E R

Heard the learned counsel for the petitioner and the learned Additional Government Pleader.

2. By consent, the main writ petition itself is taken up for final disposal.

3. The writ petition has been filed challenging the order passed by the third respondent in O.Mu.A2/63/2016 dated 02.03.2016, refusing to issue legal heirship certificate to the petitioner.

4. According to the petitioner, one Periyapandi, who is the younger brother of his father, died issueless, the petitioner and three other persons being the legal-heirs of the deceased Periyapandi, sought for a legal-heir certificate from the respondents. The respondents after enquiry, found that the petitioner and others are not direct legal-heirs as the deceased has died issueless and rejected his request on 02.03.2016. Challenging the said order, the petitioner has filed the present writ petition.

5. The Thasildar has given a finding that the petitioner is not a direct legal-heir. Since there is a dispute regarding the legal-heirs of the deceased Periyapandi, the proper remedy to the petitioner is to approach the competent Court and seek appropriate remedy and the petitioner is at liberty to approach the competent Court and the competent Court is directed to consider the claim of the petitioner on merits and in accordance with law without reference to the order passed by the respondent.

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

Sd/

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Sivagangai District,
Sivagangai.



2. The District Revenue Officer,
Sivagangai District,
Collectorate,
Sivagangai.

3. The Tahsildar,
Thiruppuvanam Taluk,
Thiruppuvanam,
Sivagangai District.

+1 cc to MR.R.SRINIVASAN, Advocate Sr.No.51762

+1 cc to Special Government Pleader Sr.No.51513

W.P. (MD) No.17016 of 2016
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SMA/PV/27/09/2016 :3P/6C