

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2017

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.25856 of 2013

R.Velusamy

..Petitioner

Vs.

1. The Tahsildar,
Bhavani Taluk,
Erode District.

2. The Revenue Divisional Officer,
Gobichettipalayam,
Erode District.

3. The District Collector,
Erode District,
Erode.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the third respondent to consider and dispose of the petitioner's representation, dated 10.09.2012, within a time frame.

For Petitioner : Mr.C.Munusamy

For Respondents : Mr.S.Diwakar
1 to 3 Special Government Pleader

O R D E R

The prayer sought for in the writ petition is for a mandamus, directing the third respondent to consider and dispose of the petitioner's representation, dated 10.09.2012, within a time frame.

2. Heard the learned counsel for the petitioner and learned Special Government Pleader for the respondents.

3. Learned counsel for the petitioner submitted that the petitioner is an agriculturist. His father, Ramasamy Gounder, died in the year 1982, leaving behind his wife, three

sons and one daughter. The first respondent/Tahsildar, had issued a legal heir certificate in the names of the legal heirs of his deceased father, in the year 1990. In the year 2009, one of the petitioner's brother, by name Palanisamy expired, leaving behind his wife and sons. Whiles, the first respondent/Tahsildar issued a patta in the names of sons of the deceased father, which includes the petitioner's brother Palanisamy, who died in the year 2009 itself, when no application has been made in that regard. Since the names of the petitioner's mother, his sister, and the legal heirs of the deceased brother were omitted to be included, as they are also having respective share over the property of the deceased Rangasamy Gounder, the petitioner submitted a representation to the third respondent, on 10.09.2012. Though the same has been received and acknowledged, it evoked no response. Hence, the petitioner has come forward to file this Writ Petition, seeking for a direction to dispose of his said representation.

4. The learned Special Government Pleader would submit that the petitioner has submitted his representation to the 3rd respondent, which is not maintainable, since the representation ought to have been filed before the 2nd respondent.

5. Taking into consideration the facts and circumstances of the case, without expressing any opinion on merits, the 3rd respondent is directed to dispose of the representation of the petitioner, dated 10.09.2012, and pass appropriate orders on merits and in accordance with law, as expeditiously as possible.

6. The Writ Petition is disposed of, accordingly. No costs.

Sd/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

avr

To

1. The Tahsildar,
Bhavani Taluk,
Erode District.
2. The Revenue Divisional Officer,
Gobichettipalayam,
Erode District.

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3. The District Collector,
Erode District,
Erode.

+1cc to M/s.C.Munusamy, Advocate for the petitioner sr.5885

+1cc to Government Pleader sr.6489

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kj (co)
ss(4/4/2017)



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