



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P (MD) No. 23685 of 2017

WEB COPY

S.R. Ganeshan

... Petitioner

Vs.

1. The District Collector
Tirunelveli, Tirunelveli District.

2. The Revenue Divisional Officer
Thenkasi, Tirunelveli District.

3. The Thasildar
Thenkasi, Tirunelveli District.

4. Marimuthu ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to dispose his representation dated 24.11.2017.

For Petitioner : Mr. K. Prabhu

For Respondents : Mr. J. Gunaseelan Muthiah, -for R1 to R3
Government Advocate

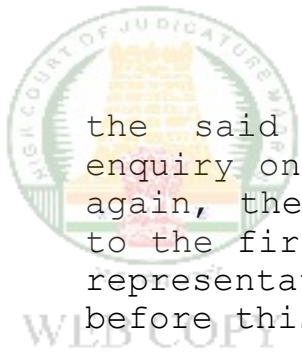
O R D E R

This writ petition has been filed, seeking for a direction to the first respondent to dispose his representation dated 24.11.2017.

2. Mr. J. Gunaseelan Muthiah, Government Advocate takes notice for the respondents 1 to 3. Notice to the fourth respondent is dispensed with, as no adverse order is going to be passed against him.

3. By consent, the writ petition is taken up for final disposal at the admission stage itself.

4. According to the petitioner, his paternal uncle, namely, Chellaiah, died on 09.12.2012 and he has no issues and hence, his wife namely, Subbulakshmi is the only legal heir to him. The relatives of the said Chellaiah fraudulently obtained legal heirship certificate from the 3rd respondent and included their names in the family card of the deceased Chellaiah. The petitioner has submitted a representation dated 23.05.2014 to the respondents, to take action against the Officials, who have issued the Legal Heir Certificate. Based on



the said representation, the second respondent conducted an enquiry on 28.10.2014, but no report has been filed so far. Once again, the petitioner submitted a representation dated 24.11.2017 to the first respondent to consider his grievance. Since the said representation has not been considered so far, the petitioner is before this Court for the aforesaid relief.

5. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner submitted that subsequent to the representation, the claim of the petitioner be enquired by the second respondent, wherein, the fourth respondent also appeared and till now the second respondent has not passed any orders and he has also submitted that it would suffice, if the representation of the petitioner dated 24.11.2017, may be directed to be considered by the first respondent, within a reasonable time stipulated by this Court.

6. At this juncture, learned Government Advocate appearing for the respondents 1 to 3 would submit that the first respondent is the competent authority to pass orders in this matter and if reasonable time is granted to him, the representation of the petitioner dated 24.11.2017, will be considered and suitable orders be passed.

7. Considering the facts and circumstances of the case and also taking into account the limited scope of the relief sought for by the petitioner, this Court, without going into the merits of the petitioner's claim, directs the first respondent, to consider the representation of the petitioner dated 24.11.2017 and pass appropriate orders, on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner, fourth respondent and other interested parties, if any, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector
Tirunelveli, Tirunelveli District.

2. The Revenue Divisional Officer
Thenkasi, Tirunelveli District.



3.The Thasildar
Thenkasi, Tirunelveli District.

+1cc to M/S.K.Prabhu, Advocate SR.No. 94397

+1cc to Special Government Pleader, SR.No. 94791

W.P (MD) No.23685 of 2017

RM

JM/SV MMS/SAR 4/08.01.2018/3P/6C