



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.07.2017
CORAM
THE HONOURABLE MR.JUSTICE R.MAHADEVAN
W.P. (MD) No.4890 of 2016

WEB COPY

Julaihabi

... Petitioner

Vs.

1.The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Musiri,
Tiruchirappalli District.

2.The Tahsildar,
Taluk Office,
Thuraiyur,
Tiruchirappalli District.

3.Gopikannan

... Respondents

[3rd respondent is impleaded vide
order dated 25.07.2017 made in
W.M.P (MD) No.5084/2016]

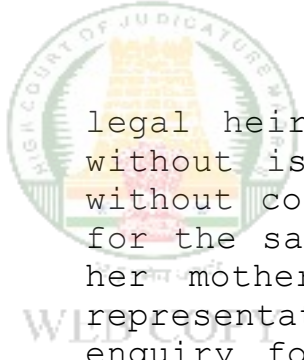
PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to consider the representation of the petitioner dated 28.01.2016 and consequential direction to issue legal heir certificate after giving opportunity to the petitioner and conducting enquiry in accordance with law.

For Petitioner : Mr.D.Shanmugaraja Sethupathi
For Respondents : Mr.M.Alaguthevan,
Special Government Pleader
for R.1 & R.2

ORDER

The petitioner seeks for a Writ of Mandamus directing the second respondent to consider the representation of the petitioner dated 28.01.2016 and also to issue legal heir certificate to the petitioner.

2. The case of the petitioner is that as the petitioner's father, Raju, died on 08.06.2015, she approached the first and second respondents for obtaining legal heir certificate for her mother. Thereafter, she came to know that one, by name, Gopikannan / third respondent herein had also approached the second respondent and claimed him as one of the



legal heirs of the deceased Raju. Then, the second respondent without issuing any notice to the petitioner or her mother and without conducting any enquiry, issued the legal heir certificate for the said Gopikannan along with the name of the petitioner and her mother. Aggrieved by the same, the petitioner filed a representation before the respondents dated 28.01.2016, to conduct enquiry for issuing the legal heir certificate afresh. As the same has not been considered, so far, by the respondents, the petitioner is before this Court by filing this petition.

3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for respondents 1 and 2.

4. The learned Counsel for the petitioner would submit that it would be suffice, if the representation of the petitioner dated 28.01.2016, is disposed of by the respondents as per law, for which, the learned Special Government Pleader appearing for the first and second respondent shows no objection.

5. Considering the facts and circumstances of the case, this Court, without going into the merits of the petitioner's claim, directs the first and second respondents to consider the representation of the petitioner dated 28.01.2016 and pass appropriate orders on its own merit and in accordance with law, after conducting proper enquiry and after affording due opportunity of hearing to the petitioner and the third respondent herein, within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(RTI)

/ True Copy /

Sub Assistant Registrar(C.S.)

To

1. The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Musiri,
Tiruchirappalli District.

2. The Tahsildar,
Taluk Office,
Thuraiyur,
Tiruchirappalli District.

+1cc to M/S.D/SHANMUGARAJA SETHUPATHI, Advocate SR.No.67891

+1cc to Special Government Pleader, SR.No. 68281

GK

MAS/KP/SAR2:07.08.2017:2P-5C