

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.45556 OF 2016

ORDER:

This writ petition is filed seeking writ of mandamus declaring the action of the 2nd respondent in issuing proceedings No.B/2054/2016, dated .10.2016, wherein the application of the petitioner for grant of family member certificate was rejected.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue.

Learned counsel for the petitioner submits that the petitioner is entitled for Family Member Certificate, but the 2nd respondent without considering her application, rejected the same.

Learned Assistant Government Pleader for Revenue produced Memo No.31346/Ser.II.2/2010, dated 25.10.2010 stating that Family Membership Certificate will be issued only for Government employees but not for others. He also submits that there are rival claims between the petitioner and 3rd respondent, which cannot be decided by the 2nd respondent and that the parties have to approach the Civil Court in view of judgment of this Court in W.P.No.7430 of 2000, dated 01.02.2001.

When MRO granted legal heir certificate, in view of rival claims, this Court has set aside the same by Judgment dated 01.02.2001 in W.P.No.7430 of 2000, holding as follows:

“The question as to who are the legal heirs of the diseased Prakash Rao may have to be decided by a competent court of civil jurisdiction. It shall be open to the parties to avail such remedies as may be available to them in law. Their rights as the legal heirs of the diseased Prakash Rao would depend upon the result of such proceedings initiated by either of the parties.”

A perusal of the affidavit filed by the petitioner in support of the writ petition shows that there are rival claims between the petitioner and the 3rd respondent.

In view of the judgment of this Court referred to above, the 2nd respondent is not competent to decide the rival issues between the parties. As such, I do not see any reason to entertain the writ petition and same is accordingly dismissed. However, petitioner is at liberty to approach competent civil court having jurisdiction to seek appropriate relief, if she is so advised.

There shall be no order as to costs. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.



A.RAJASHEKER REDDY,J

01-02-2017
kvs

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Date: 06.02.2017

kvs

