

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.22786 of 2018

and

WMP.No.26627 of 2018

Mallappan

... Petitioner

Vs

1.The District Collector,
Salem District Collector Office,
Salem.

2.The Tahsildar,
Salem Tahsildar Office (South)
Salem.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent in Na.Ka.No.1370/2016/Aa3 dated 26.09.2017 and quash the same and consequently direct the second respondent issue legal heir certificate to the petitioner.

For Petitioner : Mr.S.Gunalan

For Respondents : Mr.V.Shanmuga Sundar, SGP

ORDER

The petitioner has come up with the present writ petition to quash the proceedings in Na.Ka.No.1370/2016/Aa3 dated 26.09.2017 issued by the second respondent and consequently direct the second respondent to issue Class II legal heir certificate of the deceased one Mani in his favour.

2.However, the learned counsel for the petitioner confines his argument only to issue a direction to the second respondent to consider the representation dated 10.02.2018, submitted by the petitioner subsequent to the impugned proceedings of the second respondent, in the light of the decree dated 30.08.2012 passed by the I Additional District Munsif, Salem in S.O.P.No.6/2012 for issuance of succession certificate in respect of the estate of the deceased Mani, who was the brother of the petitioner herein.

3.The learned Special Government Pleader appearing for the respondents has no serious objection for granting such a relief to the petitioner.

4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the second respondent to consider the representation dated 10.02.2018 submitted by the petitioner and pass appropriate orders, on merits and in accordance with law and also in the light of the decree dated 30.08.2012 passed by the I Additional District Munsif, Salem in S.O.P.No.6/2012. Such an exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

5.Accordingly, this writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

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To

1.The District Collector,
Salem District Collector Office,
Salem.

2.The Tahsildar,
Salem Tahsildar Office (South)
Salem.

+1cc to Mr.S.Gunaalan, Advocate SR.No.65923

+1cc to Government Pleader SR.No.66305

W.P.No.22789 of 2018

GMV (24/10/2018)