

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.33611 of 2013

and

M.P.No.1 of 2014

R.Balaji

..Petitioner

Versus

1.The District Collector,
Collector Office,
Chennai - 600 001.

2.The Commissioner,
Corporation of Chennai,
Chennai - 600 003.

3.The Registrar,
Head Office of Sub-Registrar,
Chennai Zone, Rajaji Salai,
Chennai - 600 001.

... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 21.10.2013 and to conclude the enquiry and pass orders within a time frame as fixed by this Court.

For Petitioner : Ms.B.V.Sai Lakshmi

For Respondents : Mr.B.Anand,
Government Advocate for R1 & R3

Mr.S.Saravanan,
Standing Counsel for R2

O R D E R

This writ petition has been filed seeking for issuance of writ of mandamus, to consider the representation of the petitioner dated 21.10.2013 and conclude the enquiry in a time

2. The case of the petitioner is that his maternal grand parents namely Late Mrs.Pushpaluammal and Late Mr.Krishnasamy had three daughters and two sons. The mother of the petitioner is one of the legal heirs of the petitioner's maternal grand parents. It is further stated that the family had two immovable properties viz., one at Chennai and another at Gummidipoondi. The petitioner's mother Mrs.Sakunthala, filed a suit in O.S.No.194 of 1988 before the District Munsif Court, Ponneri, claiming 1/5th share in the suit properties. However, during the pendency of the suit, she passed away on 14.6.2009. Subsequently, the aforesaid suit was dismissed and the petitioner has preferred an appeal before the Sub Court, Ponneri.

3. The petitioner would allege that the defendants in the suit, by fabricating the death certificate and legal heir certificate, have alienated the properties. Hence, the petitioner gave a representation to the respondent to take appropriate action. Since no favourable order was passed, the present writ petition.

4. Heard Ms.B.V.Sai Lakshmi, learned counsel for the petitioner, Mr.B.Anand, learned Government Advocate appearing for respondents 1 and 3 and Mr.S.Saravanan, learned Standing Counsel appearing for the second respondent and perused the material documents available on record.

5. The grievance of the petitioner is that the defendants in O.S.No.194 of 1988 had already sold a portions of the suit property and now they are attempting to sell the remaining properties taking advantage of the false legal heir certificate.

6. The learned Government Advocate appearing for the respondents 1 and 3 submitted that the petitioner had already approached the Civil Court and unless the right of the petitioner is established, the respondents have no authorities to pass orders on the representation of the petitioner.

7. In the light of the above undisputed facts, the petitioner is directed to pursue the appeal filed against the judgment and decree in O.S.No.194 of 1988 and after establishing his right, the petitioner can give a representation to the respondent to take appropriate action.

8. With the above observations this writ petition stands closed. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ms

To

1.The District Collector,
Collector Office,
Chennai - 600 001.

2.The Commissioner,
Corporation of Chennai,
Chennai - 600 003.

3.The Registrar,
Head Office of Sub-Registrar,
Chennai Zone, Rajaji Salai,
Chennai - 600 001.

+1 CC to Mr.S.Saravanan, Advocate Sr.No.15542

+1 CC to Government Pleader, High Court, Chennai Sr.No.16342

+1 CC to Ms.B.V.Sai Lakshmi, Advocate Sr.No.15331

सत्यमेव जयते

W.P.No.33611 of 2013
and
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PA(CO)
KP(26/03/2018)

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