

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2018

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.16742 of 2018

S.Rajendran

.. Petitioner

Vs

1.The Collector,
Chennai District,
Chennai.

2.The Tahsildar,
Ayanavaram Taluk Office,
Chennai - 102.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the first respondent to dispose of the petitioner's petition dated 20.12.2016 on merits and in accordance with law.

For petitioner :Mr.P.Krishnan

For Respondents :Mr.V.Jayaprakash Narayanan, Spl.GP

O R D E R

By way of filing this writ petition, the petitioner seeks a direction to the respondents to dispose of his pending representation dated 20.12.2016 in accordance with law, within a specified time limit.

2. Learned counsel for the petitioner submitted that the petitioner, being the son of Mr.Vengappan and Mrs.Jayalakshmi, was subsequently adopted by Late Sivaprakasam on 23.05.1986. The said Adoption Deed was registered on 23.05.1986 on the file of the Sub-Registrar Office, Anna Nagar, Chennai, bearing Document No.505/1986. It is further submitted that during the life time of his father, his father had purchased two house plots in Survey No.427/1 part, situated at Koduvalli Village, Thiruvallur Taluk, by a registered sale deed dated 21.11.1988 bearing Document No.1908 of 1988 on the file of the Sub Registrar Office, Arani. The said document was also handed over to him by his father during the first week of April, 1990, in the presence of his sister. Thereafter, his father died intestate on 28.06.1991, leaving behind him and his sister

as his legal heirs. The Tahsildar, Pursawakkam, Perambur, Chennai, also issued a legal heir certificate dated 16.10.1991. After some time, the petitioner had also obtained Encumbrance Certificate for the said property, in which, only the name of the petitioner's father was found place. Therefore, he had approached the Village Administrative Officer, Koduvalli Village, seeking issuance of patta in his name, however, he was informed by the VAO that the patta was already issued in the names of S.Abikeshwaran and S.Sumathi, on the basis of the documents produced by them. In view of the same, although he preferred a complaint on 04.12.2013 before the Commissioner of Police, Vepery, Chennai, without considering the same, the said Inspector replied to him on 27.12.2014 directing him to work out his remedy before the Civil Forum. Subsequently, he preferred a representation dated 20.12.2016 before the first respondent / Collector, Chennai District, to conduct the enquiry into this matter by calling for the connected records from the second respondent and thereafter, to issue fresh legal heir certificate mentioning his name as well as his sister name as the legal heirs of Late R.Sivaprakasam. However, till date, the said representation has not been considered.

3. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, accepting notice for the respondents, submitted that the Sub-Collector, Chennai District, has already initiated enquiry on the representation made by the petitioner, therefore, the same would be considered on merits within a period of four weeks.

4. Recording the above said submission, the first respondent is hereby directed to pass orders on the representation dated 20.12.2016 of the petitioner requesting for issuance of legal heir certificate, within a period of four weeks from the date of receipt of a copy of this order. With this direction, the writ petition is disposed of. No Costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS-VII)

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Sub Assistant Registrar

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To

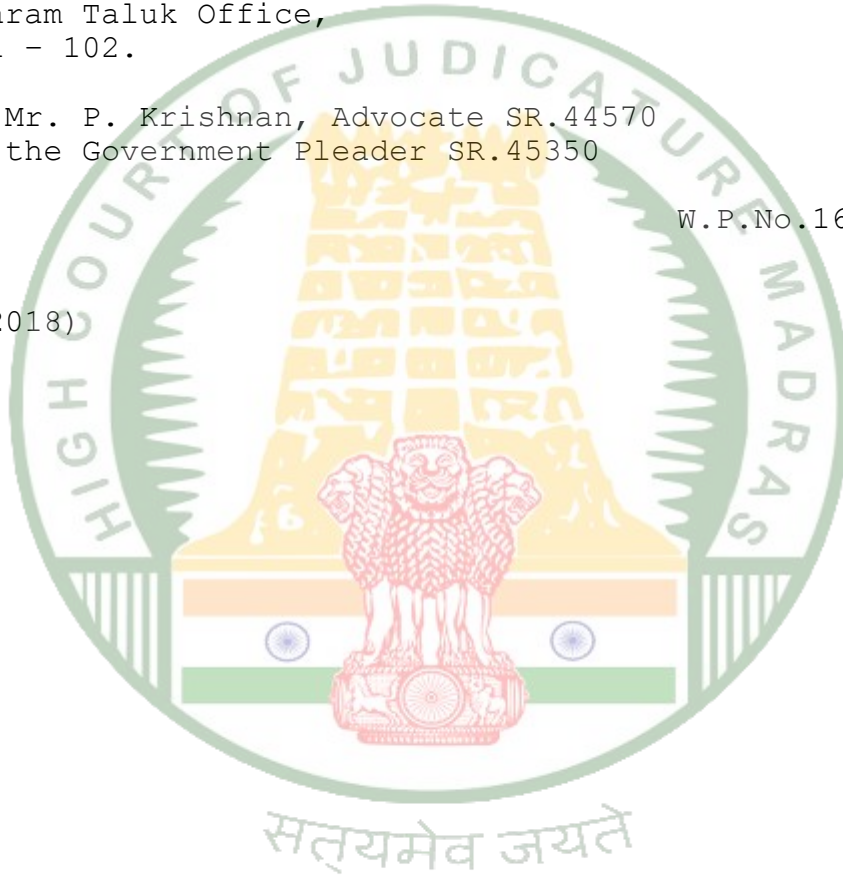
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+ 1 cc to Mr. P. Krishnan, Advocate SR.44570
+ 1 cc to the Government Pleader SR.45350

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(CS-VII)
EU(23/07/2018)



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