

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.4501 of 2019

M.Arumugam

...Petitioner

Vs.

1.The District Collector
Tiruvallur District
Tiruvallur.

2.The Revenue Divisional Officer
Tiruthani,
Tiruvallur District.

3.Narayanan

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to dispose the statutory appeal filed by the petitioner on 23.02.2015.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.E.Balamurugan
Special Government Pleader
for R1 & R2

O R D E R

Mr.E.Balamurugan, learned Special Government Pleader takes notice for the respondents. Since this writ petition is being disposed of without affecting the interest of the third respondent, notice to the said respondent is dispensed with.

2. Heard both sides.

3. The petitioner seeks for a Mandamus directing the first respondent to dispose of the statutory appeal filed on 23.02.2015.

4. It is seen that the legal heirship certificate of Muruges Reddy was issued on 06.09.2010, by including his legal

heirs as Arumugam, the petitioner herein; Ramachandran and Lakshmi.

5. According to the petitioner, without conducting any enquiry, the second respondent has issued the proceedings dated 10.02.2015, to include the third respondent's name in the legal heirship certificate and to cancel the legal heirship certificate already issued to the petitioner on 06.09.2010. It is stated that the petitioner filed an appeal dated 23.02.2015 against the proceedings of the second respondent dated 10.02.2015.

5. Now, the grievance of the petitioner before this Court is that the said appeal has not been disposed of by the first respondent so far. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner, as it is for the first respondent to consider and decide the same on merits and in accordance with law. Accordingly, this writ petition is disposed of, only by directing the first respondent to dispose of the appeal dated 23.02.2015 and pass orders on the same on merits and in accordance with law, after giving due opportunity of hearing to the petitioner, the 3rd respondent and all other parties concerned. Such exercise shall be done by the first respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

mk

To

1. The District Collector
Tiruvallur District
Tiruvallur.

2. The Revenue Divisional Officer
Tiruthani,
Tiruvallur District.

+1 CC to Mr.C.Prakasam, Advocate sr 14687.

W.P.No.4501 of 2019

EV(CO)
SP(20/02/2019)