

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.12.2019

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.16369 of 2018
and
W.M.P.No.39742 of 2018

S.Kasi

.. Petitioner

..Vs..

1.The District Collector,
Salem,
Salem District.

2.The District Revenue Officer,
District Collector Office Campus,
Salem,
Salem District.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Attur Town,
Salem District.

4.The Tahsildar,
Attur, Attur Taluk,
Attur District.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to consider the petitioner's representation dated 03.07.2017.

For Petitioner : Mr.L.Rajendran

For Respondents : Ms.P.Rajalakshmi
Additional Government Pleader

implead Party : Mr.R.Thirumoorthy

O R D E R

Heard, the petitioner and also the learned Government Advocate.

2.The learned counsel for the petitioner stated that the petitioner is the son of late Sengan @ Mottian Padayachi, who is a resident of Rasipuram Taluk, Namakkal District. The claim of the petitioner is that his mother Palaniammal had married Sengan @ Mottian Padayachi in the year 1954 and marriage was also registered on 07.05.1954 before the Marriage Sub Registrar, Sub Registrar Office, Salem. The petitioner was born on 13.09.1955 and his mother Palaniammal died on 26.07.2005 and he had also obtained death certificate and legal heir certificate of his mother. His father Sengan @ Mottian Padayachi, died on 11.01.2014. Consequently, the petitioner applied legal heir certificate before the fourth respondent/Tahsildar. The fourth respondent has issued a legal heir certificate vide No.Pa.Mu.11653/2015/A2 dated 30.09.2015, but the petitioner's name was not shown as legal heir of Sengan @ Mottian Padayachi. Aggrieved, by the same the petitioner filed an appeal before the third respondent/Revenue Officer, Salem District. The third respondent/Revenue Officer is keeping the said appeal proceedings pending without passing final orders. Hence, the present writ petition has been filed in the nature of Writ of Mandamus, to consider the petitioner's representation dated 03.07.2017.

3.The learned counsel for the petitioner further submitted that the appeal is pending for more than two years. Therefore, this Court issues a direction to the third respondent/Revenue Divisional Officer to immediately take steps to proceed with the enquiry in the said appeal preferred against the order of the fourth respondent/Tahsildar in No.Pa.Mu.11653/2015/A2 dated 30.09.2015 and before passing such final orders to issue notice once again to the present petitioner and petitioner in W.M.P.No.39742 of 2018.

4.Considering the facts and circumstance of this case, this Court directs the third respondent/Revenue Divisional Officer to reexamine the facts and also take into the consideration the decree passed by the learned District Munsif Court, Attur and is directed to consider the representation dated 03.07.2017 submitted by the petitioner and if deemed necessary issue notice to both parties, hear them and pass an appropriate order on or before 31.03.2020.

With the above directions, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

//True Copy//

Sub Assistant Registrar

tta

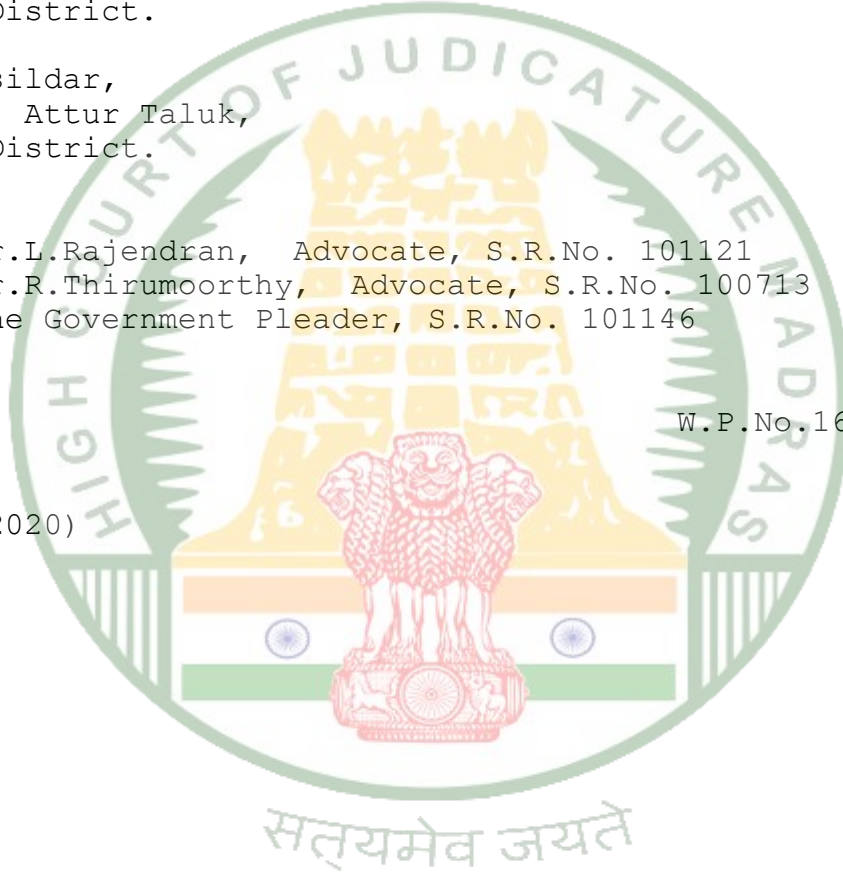
To

- 1.The District Collector,
Salem, Salem District.
- 2.The District Revenue Officer,
District Collector Office Campus,
Salem, Salem District.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Attur Town,
Salem District.
- 4.The Tahsildar,
Attur, Attur Taluk,
Attur District.

+1cc to Mr.L.Rajendran, Advocate, S.R.No. 101121
+1cc to Mr.R.Thirumoorthy, Advocate, S.R.No. 100713
+1cc to the Government Pleader, S.R.No. 101146

W.P.No.16369 of 2018

NR(CO)
GN(05/02/2020)



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