

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.02.2019

CORAM
THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.8582 of 2016

M.Seenivasan

.. Petitioner

Vs.

1. The District Collector,
Chennai.

2. The Revenue Divisional Officer,
Chennai.

3. The Tahsildar,
Mylapore Circle,
Mylapore,
Chennai -4

.. Respondents

* * *

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to dispose of the representation dated 24.04.2015 and also direct further to include the petitioner's name in the legal heir certificate issued by the third respondent.

* * *

For Petitioner : Mr.S.Santhanam

For Respondents: Mr.N.Inbanathan
Additional Government Pleader

O R D E R

The prayer of the petitioner is to direct the first respondent to dispose of the representation dated 24.04.2015 seeking to include the petitioner's name in the legal heirship certificate issued by the third respondent.

2. It is the case of the petitioner that he is the son of one Manickam and Vasantha. The said Manickam died in the year 2014 and Vasantha died in the year 2011. Even during the life time of the petitioner's mother Vasantha, his father had married one Revathi and also got a female child out of that wedlock. As

the first marriage was in subsistence, the second marriage with Revathi is void. After the death of the parents, the petitioner seems to have applied for legal heirship certificate before the respondents. However, the same has not been issued. But, a legal heirship certificate was issued in favour of the second wife and her daughter. Questioning the same, the petitioner has given a representation/appeal on 24.04.2015 before the District Collector/the first respondent herein. However, so far, no steps have been taken to dispose of the said representation/appeal and cancel the earlier legal heirship certificate issued in favour of the second wife and her daughter. Hence, the Writ Petition is filed for mandamus as stated above.

3. Heard Mr.S.Santhanam, learned counsel for the petitioner and Mr.N.Inbanathan, learned Additional Government Pleader for the respondents and perused the materials available on record.

4. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representation/appeal, directs the first respondent to consider the petitioner's representation/appeal dated 24.04.2015 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition stands disposed of. No costs.

6. Post the matter on 29.03.2019 for "Reporting Compliance".

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

srn

To

1.The District Collector,
Chennai.

2.The Revenue Divisional Officer,
Chennai.

WEB COPY

3.The Tahsildar,
Mylapore Circle,
Mylapore, Chennai -4

+1cc to Mr.S.Santhanam, Advocate, S.R.No.17333
+1cc to the Government Pleader, S.R.No.18270

W.P.No.8582 of 2016

SR(CO)

rrs 26/03/2019



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