

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.9865 of 2016

S.Balakrishnan

.. Petitioner

Vs.

1. The District Collector,
Hosur Road,
Coimbatore District,
Coimbatore.

2. The Tahsildar,
Coimbatore (South) District,
Coimbatore District.

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 22.08.2015 and to clarify the genuineness of both the legal heir certificate issued by the second respondent.

For Petitioner : Mr.R.Shanmugam

For Respondents : Ms.R.Janaki

Additional Government Pleader

O R D E R

The petitioner has come up with this writ petition seeking a direction to the first respondent to clarify the genuineness of the legal heir certificates issued by the second respondent, based on his representation dated 22.08.2015.

2. According to the learned counsel for the petitioner, the second respondent has issued a legal heirship certificate in Pa.Mu.1390/1990 dated 04.02.1996, certifying that Lakshmi is the sole legal heir of the deceased Muthusamy, with whom the petitioner had entered into an agreement for purchase of a certain property. However, to his shock and surprise, one M.Balakrishnan has produced a legal heirship certificate in

No.Pa.Mu.No.10799/2002/A4, dated 08.07.2002, claiming himself and 11 others are the legal heirs of the deceased Muthusamy. Therefore, the petitioner had made a representation dated 09.07.2015 under the Right to Information Act, 2005 to the Public Information Officer, Coimbatore (South) to know the correctness of the legal heir certificate issued by the second respondent. In reply, the Public Information Officer, Coimbatore (South), vide his letter dated 21.07.2015 in Na.Ka.No.4479/2015/A5 has stated that as per the official proceedings, his office records of 10 years old were destroyed and since the documents referred to by the petitioner relates to the year 1996 and 2002, they are unable to ascertain the true status of the said two documents. Thereafter, the petitioner has submitted a representation dated 22.08.2015 to the first respondent requesting to clarify the genuineness of the legal heir certificates issued by the second respondent, but, the same is yet to be disposed of by the first respondent. Hence, the petitioner is before this Court.

3. Heard Ms.R.Janaki, learned Additional Government Pleader on behalf of the respondents.

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, directs the first respondent to consider the petitioner's representation dated 22.08.2015 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 11.03.2019 for "Reporting Compliance".

//True Copy//

Sd/-
Assistant Registrar (CS)

Sub Assistant Registrar

srn

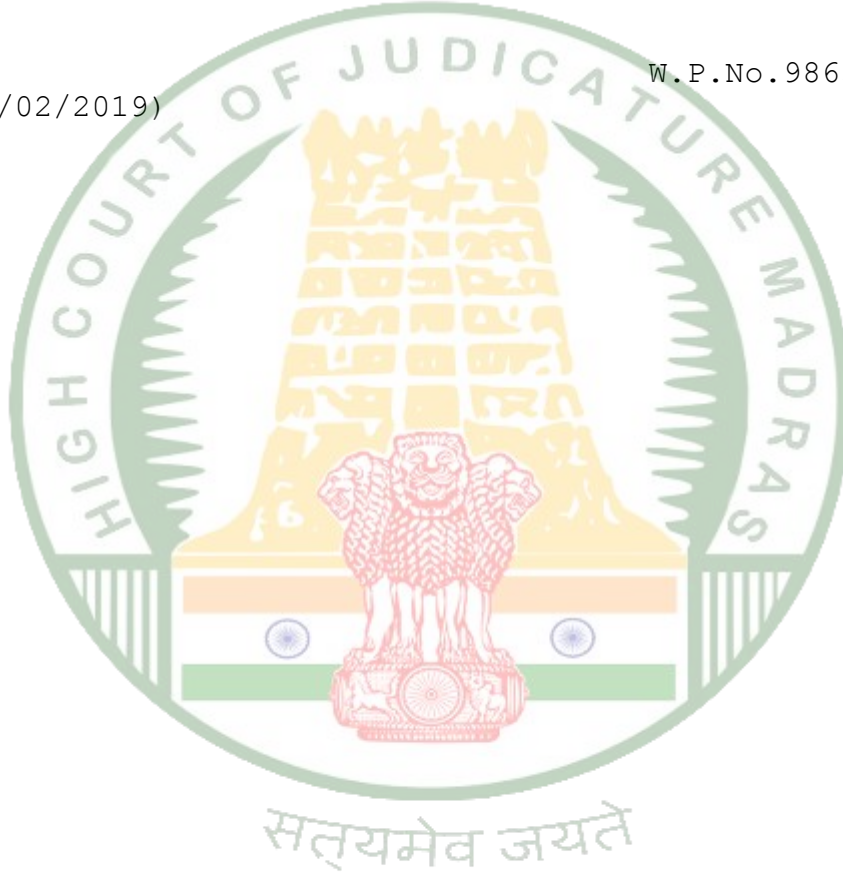
To

1. The District Collector,
Hosur Road,
Coimbatore District,
Coimbatore.
2. The Tahsildar,
Coimbatore (South) District,
Coimbatore District.

+1cc to Mr. S.Saravanan, Advocate SR.No. 10201

A.SK(11/02/2019)

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