



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.2691 of 2019

WEB COPY

Maharajan

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,Tirunelveli.

2.The Revenue Divisional Officer,
District Collectorate Campus,
Tirunelveli District.

3.The Tahsildar,Palayamkottai Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, Writ of Mandamus, directing the 3rd respondent to conclude the proceeding pending in Na.Ka.No.A4/2457/2018 dated 09.04.2018 and consequently direct the 2nd respondent to pass final order pending in Na.Ka.A7/1561/2018 dated 20.03.2018 and thereby issue a fresh legal heir certificate of the petitioner's father Late.Palraj.

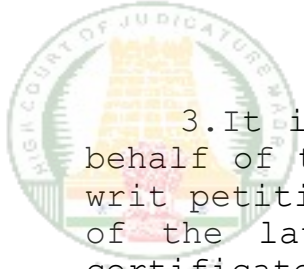
For Petitioner : Mr.V.Angusamy

For Respondents : Mr.K.Mu.Muthu,
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The writ petitioner's case is that his father Thiru.Palraj deserted his mother sometime in the year 1988 and was living with another women by name Nallammal. The marriage with the writ petitioner's mother Arumugam @ Pappa was never dissolved in the manner known to law. The writ petitioner fairly states that his father entered into a bigamous marriage with Nallammal and that he begot two sons through her. He retired as a Driver in TNSTC. He passed away on 19.01.2011. Nallammal had filed SOP No.9 of 2013 on the file of the Additional Sub Court, Tirunelveli and got relief. The writ petitioner as well as his mother were shown as respondents in the said SOP. But, no evidence appears to have been adduced on either side.



3.It is also seen that only the Government Pleader appeared on behalf of the respondents. Be that as it may, the grievance of the writ petitioner is that though he and his mother are the legal heirs of the late Palraj, Nallammal and her sons had cleverly got a certificate as if they alone are the legal heirs. The grievance of the petitioner is that this will have to be set right. The writ petitioner therefore submitted a petition before the third respondent. It is also seen that the third respondent has initiated an enquiry in the meanwhile. Now, the petitioner also wants the conclusion of the said proceedings.

4.I am of the view that no exception can be taken to this request. The third respondent is directed to conclude the petition mentioned enquiry proceedings and issue appropriate legal heir certificate after satisfying himself about the entitlement of the writ petitioner and after issuing notice to all other interested parties. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5.This writ petition is allowed. No costs.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS-)

Skm

To

- 1.The District Collector,
Tirunelveli District,Tirunelveli.
- 2.The Revenue Divisional Officer,
District Collectorate Campus,
Tirunelveli District.
- 3.The Tahsildar,Palayamkottai Taluk,
Tirunelveli District.

+1 CC to M/s.V.ANGUSAMY, Advocate (SR-45566[F] dated 08/02/2019)

+1 CC to M/s.SPL GP (SR-45758[F] dated 08/02/2019)

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