



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2019

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.16650 of 2019

S.Parameswari

... Petitioner

-Vs-

1.The District Collector,
Madurai District.

2.The Revenue Divisional Officer,
Madurai District.

3.The Thasildar,
Madurai North Taluk,
Madurai District.

4. N.Nagamalai

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the first respondent to consider and pass orders on the Revision Petition filed by the petitioner dated 01.07.2019 regarding the Legal Heir Certificate within stipulated time fixed by this Court.

For Petitioner : Mr.V.Kannan

For R1 to R3 : Mr.C.M.Mari Chelliah Prabhu, AGP,

For R4 : Mr.C.Prithiviraj

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the first respondent to consider and pass orders on the Revision Petition filed by the petitioner dated 01.07.2019 regarding the Legal Heir Certificate within stipulated time fixed by this Court.

2.Heard Mr.V.Kannan, learned counsel appearing for the petitioner and Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.C.Prithiviraj, learned counsel appearing for the 4th respondent.



3.The petitioner is the wife of one Selvam and the 4th respondent is the father-in-law of the petitioner. The said Selvam died. Therefore, the legal heir certificate was given initially only in favour of the 4th respondent and the same was objected by the petitioner. Considering the said objection, the 3rd respondent, vide his proceedings dated 24.10.2018, after having conducted enquiry with the petitioner and the 4th respondent, has made a recommendation to the 2nd respondent to cancel the said legal heir certificate, for which, 4th respondent agreed. Pursuant to the said recommendatory proceedings issued by the Tahsildar/3rd respondent, the 2nd respondent, vide his proceedings dated 02.11.2018 cancelled the legal heir certificate given to the 4th respondent. Thereafter, the 4th respondent has filed a review before the 2nd respondent and that review was allowed by the 2nd respondent vide order dated 07.02.2019, thereby, the cancellation of the legal heir certificate given to the 4th respondent made by the 2nd respondent has been cancelled and therefore, the legal heir certificate issued in favour of the 4th respondent has got restored. Aggrieved over the said order passed by the 2nd respondent dated 07.02.2019, the petitioner has filed revision before the 1st respondent, District Collector on 01.07.2019 and the same is pending consideration before the 1st respondent. Only in that circumstances, the petitioner has approached this Court with this writ petition and the learned counsel appearing for the petitioner submits that, if the said revision filed by the petitioner dated 01.07.2019 before the 1st respondent is decided, after giving an opportunity of being heard to both the petitioner as well as the 4th respondent, the petitioner would be satisfied.

4.I have heard the learned Additional Government Pleader appearing for the respondents, who would submit that, the said revision petition dated 01.07.2019 made by the petitioner to the 1st respondent would be decided by the 1st respondent, on merits and in accordance with law, after hearing both the parties, within a time frame to be stipulated by this Court.

5.The learned counsel appearing for the 4th respondent would submit that, before deciding the revision filed by the petitioner pending before the 1st respondent, an opportunity of being heard should be given to the 4th respondent.

6.Having considered the said submission made by the learned counsel on either side and after having considered the factual matrix of the case, this Court is inclined to dispose of this writ petition, with the consent of both the parties, at the stage of admission itself, with the following direction:

"The 1st respondent is hereby directed to consider the revision filed by the petitioner dated 01.07.2019 and decide the same, on merits and in accordance with law, of course, after hearing both the petitioner as well as the



4th respondent, after sending separate notices to them and final orders to that effect shall be passed by the 1st respondent, within a period of eight weeks from the date of receipt of a copy of this order."

7. With this direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,
Madurai District.

2. The Revenue Divisional Officer,
Madurai District.

3. The Thasildar,
Madurai North Taluk,
Madurai District.

+1 CC to M/s.V.KANNAN, Advocate (SR-78062[F] dated 26/07/2019)

+1 CC to M/s.SPL GP (SR-78243[F] dated 29/07/2019)

+1 CC to M/s.C.PRITHVIRAJ, Advocate (SR-78660[F] dated 30/07/2019)

Order made in
W.P. (MD) No.16650 of 2019
Dated: 26.07.2019

Arul

JMN(05.09.2019) 3P : 7C