



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2019

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No. 7281 of 2016

in

W.M.P (MD) .No. 6144 of 2016

1. Mercy Juliet Manickam
2. Jenifer Roopalatha
3. Johnson

... Petitioners

-Vs-

1. The Revenue Divisional Officer,
Tiruchendur,
Tuticorin District.

2. The Tahsildar,
Tiruchendur Taluk,
Tuticorin District.

3. Vimala
4. Johnson Jebaraj
5. Harold Wilson
6. Promala Jayakumar

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the legal heir certificate issued to the respondents 3 to 6 in Pa.Mu.No. 24/4299/2015 dated 24.03.2015 on the file of the second respondent herein and to quash the same.

For Petitioner : Mrs. Jessi Jeeva Priya

For Respondents : Mr. M. Rajarajan (for R1 & R2)
Government Advocate

ORDER

The prayer in this writ petition is for a Writ of Certiorari, to call for the records relating to the legal heir certificate issued to the respondents 3 to 6 in Pa.Mu.No. 24/4299/2015, dated 24.03.2015 on the file of the second respondent herein and to



quash the same.

2. Heard Mrs. Jessi Jeeva Priya, learned counsel appearing for the petitioner, Mr. M. Rajarajan, learned Government Advocate appearing for the respondents 1 and 2. Since no adverse order is going to be passed against the private respondents, notice to them is dispensed with.

3. The Revenue Department i.e., the second respondent issued a Legal Heir Certificate on 24.03.2015 to the legal heirs of one John David and Anbuseeli John, wherein the second son of them, one Jefferson Large David, has been shown as died on 20.12.1998. However, the grievance of the petitioners is that the petitioners i.e., the first petitioner is the wife and the petitioners 2 and 3 are the son and daughter of the deceased Jefferson Large David, who was one of the son of the said John David and Anbuseeli, therefore, in that impugned Legal Heir Certificate, dated 24.03.2015, the names of the petitioners should also be included and on that ground, the said Legal Heir Certificate, dated 24.03.2015, is under challenge in this writ petition.

4. Though such prayer was sought for in the writ petition, the learned counsel appearing for the petitioners, during hearing, has submitted that, the petitioners would be confined that the prayer, as against the impugned Legal Heir Certificate issued by the second respondent, the petitioners preferred an appeal before the first respondent i.e., the Revenue Divisional Officer on August-2015. Therefore, if the said appeal since have not been so far disposed of, directed to be disposed of, on merits, within a time to be stipulated by this Court, the petitioner would be satisfied.

5. I have heard, Mr. M. Rajarajan, learned Government Advocate appearing for the respondents, who would submit that, as against the impugned order, appeal remedy would lie only before the Revenue Divisional Officer concerned. Since the petitioners have already approached the first respondent by filing an appeal and the same is not disposed of, so far, the same would be considered on merits and that the appeal would be decided by the first respondent, within a time frame.

6. Considering the said submissions made by both sides and taking into account the aforesaid facts, this Court is inclined to dispose of this writ petition with the following directions:-

"that the first respondent is directed to decide the appeal filed by the petitioners in Aug-2015 before the first respondent, as against the Legal Heir Certificate issued by the second respondent, dated 24.03.2015 and pass orders thereon, on merits and in accordance with hearing the petitioners as well as the private respondents, by issuing separate notice to them. The needful shall be done and final order shall be



passed, within a period of eight weeks from the date of receipt of a copy of this order. "

No costs. Consequently, connected Miscellaneous Petition is closed

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

rmk

To

1.The Revenue Divisional Officer,
Tiruchendur,
Tuticorin District.

2.The Tahsildar,
Tiruchendur Taluk,
Tuticorin District.

+1 cc to Mr.P.Jessi Jeeva Priya , Advocate SR.No.75897

+1 cc to The Special Government Pleader Sr.No.75984

W.P.(MD) No.7281 of 2016

17.07.2019

__KM/ (09.09.2019) 3P 5C