

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.29095 of 2016

1.K.Venkatachalam (Deceased)

2.Maruthammal

... Petitioners

(P2 is substituted as LR of deceased P1 vide order dated 06.06.2017 made in W.M.P.No.12887 of 2017)

Vs.

1.The Commissioner (Land Reforms),
Chepauk, Chennai - 600 005.

2.Mukundan S.Chettiappa

... Respondents

Petition filed under Article 226 of the Constitution of India for issuing a writ of mandamus directing the 1st respondent to consider the representation of the petitioner dated 06.06.2016.

For Petitioners: Mr.M.V.Venkataseshan

For Respondents: Ms.A.Madhumathi,

Special Government Pleader (R1)

Mr.J.Antony Jesus (R2)

O R D E R

The petitioner has filed the above the above Writ Petition to issue a Writ of Mandamus directing the respondent to consider the representation of the petitioner dated 06.06.2016.

2.The petitioner had died during the pendency of the Writ Petition and his wife was brought on record as the sole legal heir of the petitioner. Mr.M.V.Venkataseshan, learned counsel appearing for the petitioners submitted that subsequently, the wife had also passed away leaving behind one Viswanathan and one Suseela as the legal representatives by virtue of a Will executed by the deceased Maruthammal dated 31.08.2017, however, the genuineness of the Will has to be proved by the beneficiaries under the Will in accordance with the provisions of Section 68 of the Indian Evidence Act in the case of dispute over the same.

3.Ms.A.Madhumathi, learned Special Government Pleader appearing for the 1st respondent submitted that the 1st respondent may be directed to consider the petitioner's representation dated 06.06.2016 and pass orders, after giving notice to all the interested parties.

4.The learned counsel appearing for the 2nd respondent also submitted that the 1st respondent may be directed to give notice to the 2nd respondent while considering the representation of the petitioner dated 06.06.2016.

5.Having regard to the submissions made by the learned counsel on either side, taking into consideration the limited prayer sought for in the Writ Petition, without expressing any opinion with regard to the merits of the case, I direct the 1st respondent to consider the petitioner's representation dated 06.06.2016 and pass orders, on merits and in accordance with law, after giving notice to all the interested parties, as expeditiously as possible.

With these observations, the Writ Petition is disposed of.
No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Commissioner (Land Reforms),
Chepauk,
Chennai - 600 005.

+1 CC to Mr.M.V.Venkateshan, Advocate sr 30869
+1 Cc to Govt. Pleader sr 30965.

W.P.No.29095 of 2016

AJS (CO)
SP(16/10/2020)