

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.29839 of 2016

1.M.Prabhavathi
2.T.Kuppusamy

... Petitioners

Vs.

1.The District Collector,
Collectorate Office,
Rajaji Salai,
Chennai - 600 001.

2.The Tahsildar,
Perambur Taluk,
Perambur, Chennai - 600 011.
3.S.Sampathkumar
4.C.Giridharan

... Respondents

Petition filed under Article 226 of the Constitution of India for issuing a writ of mandamus directing the 1st respondent to consider the petitioner's representation dated 14.06.2016 by directing the 1st respondent to hold an enquiry of the document patta no.(blank) dated 30.04.2015 issued by the Head Deputy Tahsildar, Perambur, Chennai and the genuineness of the Legal Heir Certificate No.C2018144/2014 dated 05.08.2014 issued by the Tahsildar, Perambur Taluk, Chennai in favour of the respondents 3 and 4.

For Petitioners : Mr.P.Ravi Shankar Rao

For Respondents : Ms.A.Madhumathi,
Special Government Pleader (R1 & R2)
R3 & R4 - no appearance

O R D E R

The petitioners has filed the above Writ Petition to issue a Writ of Mandamus directing the 1st respondent to consider the petitioner's representation dated 14.06.2016 by directing the 1st respondent to hold an enquiry in respect of the patta dated

30.04.2015 issued by the Head Deputy Tahsildar, Perambur, Chennai and the genuineness of the Legal Heir Certificate dated 05.08.2014 issued by the Tahsildar, Perambur Taluk, Chennai in favour of the respondents 3 and 4.

2.The 2nd respondent filed a counter wherein it has been clearly stated that no patta has been issued on 05.08.2014 in favour of the respondents 3 & 4 in respect of the property in question.

3.The petitioners have also not produced any copy of the patta dated 05.08.2014 before this Court.

4.Mr.P.Ravi Shankar Rao, learned counsel appearing for the petitioners submitted that in view of the averment stated in the counter affidavit of the 2nd respondent that no patta has been issued in favour of the respondents 3 & 4, the prayer sought for in the Writ Petition with regard to the patta dated 30.04.2015 may be closed.

5.Recording the submission made by the learned counsel for the petitioners, the said prayer stands closed.

6.So far as the second part of the prayer (i.e.) with regard to the Legal Heir Certificate dated 05.08.2014 is concerned, the learned counsel for the petitioners submitted that the 2nd respondent had issued the Legal Heirship Certificate of the deceased Shanmugam, including the name of one Chandran, who had died even at the time of issuing the Legal Heirship Certificate. The learned counsel submitted that the said Chandran had died on 07.05.2007, leaving behind his legal heirs. In these circumstances, the petitioners have given a representation dated 14.06.2016 to the respondents 1 & 2 to conduct enquiry and issue fresh Legal Heirship Certificate. According to the petitioners, the 1st respondent has not passed any order so far in the representation dated 14.06.2016.

7.Ms.A.Madhumathi, learned Special Government Pleader appearing for the respondents 1 & 2 submitted that the petitioners should have given their representation to the Revenue Divisional Officer and not to the District Collector.

8.Since the petitioners have given the representation to the District Collector - the 1st respondent, I direct the 1st respondent to refer the representation to the concerned Revenue Divisional Officer and on receipt of the same, the Revenue Divisional Officer, Chennai is directed to conduct enquiry and pass orders, on merits and in accordance with law, within a period of twelve weeks thereafter.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

va
To

1.The District Collector,
Collectorate Office,
Rajaji Salai, Chennai - 600 001.

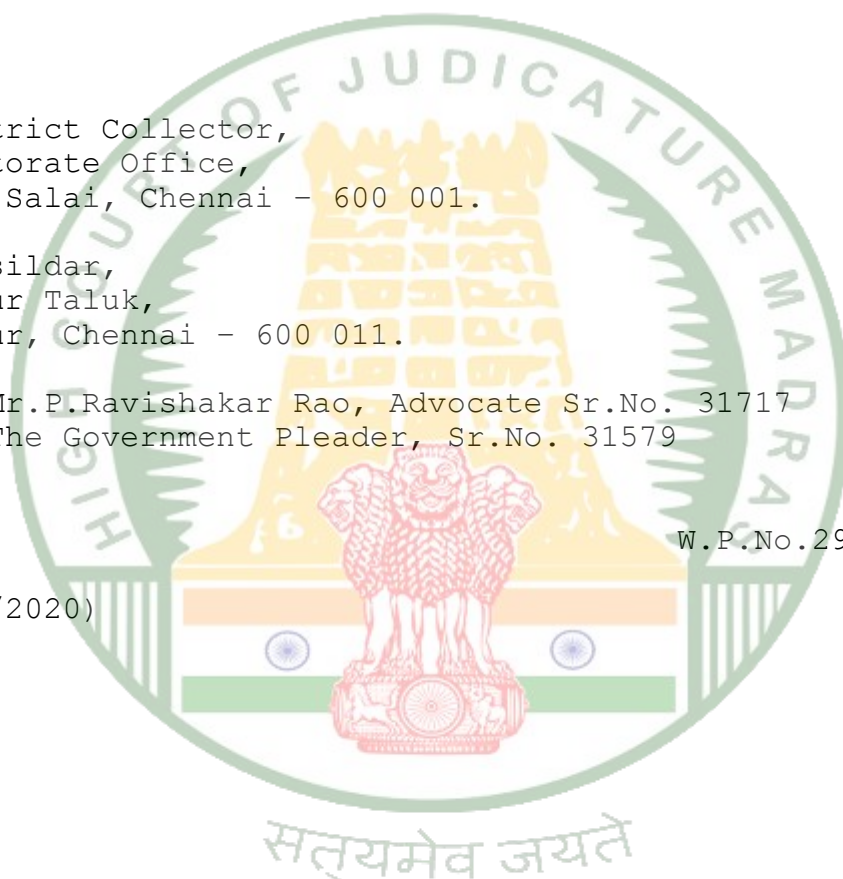
2.The Tahsildar,
Perambur Taluk,
Perambur, Chennai - 600 011.

+1 cc to Mr.P.Ravishakar Rao, Advocate Sr.No. 31717

+1 cc to The Government Pleader, Sr.No. 31579

W.P.No.29839 of 2016

NRJK (CO)
RMP (14/10/2020)



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