

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.15477 of 2020
(Heard Through VC)

Selvi

.. Petitioner

Vs.

1. The Revenue Divisional Officer,
Sriperumbudur,
Kancheepuram District.

2. The Tahsildar,
Sriperumbudur Taluk,
Sriperumbudur,
Kancheepuram District.

3. Shanthi

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to dispose of the petitioner's appeal dated 27.02.2020.

For Petitioner : Mr.P.Krishnan
For Respondents 1 & 2 : Mr.R.S.Selvam
Government Advocate

ORDER

With the consent of the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 and 2, this writ petition is taken up for final hearing. In view of the order this Court proposes to pass, notice to the third respondent is not necessary.

2. The Writ Petition is filed seeking a mandamus to direct the first respondent to dispose of the petitioner's appeal dated 27.02.2020.

3. It is the case of the petitioner that her father late M.Shankaran and her mother Kanchana got married and out of their wedlock, the petitioner and her brother, Ragavan were born. It

is alleged that the petitioner's mother had illegal intimacy with one Sundaresan and left from the matrimonial home. Due to the same, the third respondent/Shanthi was born to the said Kanchana on 12.05.1985. In various records, the third respondent's parents' name is mentioned as Sundaresan and Kanchana. Subsequently, the petitioner's father died on 30.04.2003. The second respondent issued legal heirship certificate certifying that the petitioner and her brother Ragavan are the legal heirs. Aggrieved by the same, the petitioner's mother had filed a Writ Petition before this Court in W.P.No.11434 of 2006 and the same was dismissed with liberty to file an appeal before the first respondent. In the meanwhile, the petitioner's brother Ragavan and Mother Kanchana died. After the demise of the petitioner's mother, the third respondent, who is the daughter of the said Sundaresan and Kanchana/petitioner's mother, preferred a petition before the second respondent to issue the legal heirship certificate including her name along with the petitioner and her brother, Ragavan. The second respondent, without conducting an enquiry, issued the legal heirship certificate on 23.10.2013.

4. According to the petitioner, relying upon the said certificate, the third respondent attempted to mutate the Revenue records and executed a Power of Attorney, dated 04.11.2013, bearing Do.No.4154 of 2013, appointing one Jayamukilan as her Agent. On 23.01.2014, the petitioner preferred a complaint before the Superintendent of Police, Kancheepuram District against the third respondent. The Inspector of Police, District Crime Branch, registered a case in Crime No.54 of 2014, conducted an enquiry and closed the complaint as civil in nature. Hence, the petitioner and one R.Saritha, who is the wife of the deceased brother of the petitioner, namely, Ragavan, have preferred an appeal before the first respondent against the order dated 23.10.2013 passed by the second respondent. However, the first respondent, without conducting any enquiry, has kept the appeal pending for more than seven years. Hence, the petitioner has filed this Writ Petition seeking for the relief stated supra.

5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 and 2 and perused the materials available on record.

6. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the first respondent to take up the appeal dated 27.02.2020, if not already disposed of, enquire into the same and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner as well as the third respondent and by

affording them an opportunity of personal hearing or virtual hearing and after verifying the relevant documents, within a period of six weeks from the date of receipt of a copy of this order.

7. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn

To

1. The Revenue Divisional Officer,
Sriperumbudur,
Kancheepuram District.

2. The Tahsildar,
Sriperumbudur Taluk,
Sriperumbudur,
Kancheepuram District.

+1 cc to M/s.P.Krishnan, Advocate Sr.No. 35159
+1 cc to The Government Pleader, Sr.No. 35458

LN (CO)
RMP (27/11/2020)

W.P.No.15477 of 2020

सत्यमेव जयते

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