

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.12.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.17137 of 2020
(Heard through VC)

Veeramuthu

..Petitioner

-vs-

1. The District Collector,
Salem District,
Salem.

2. S.Kasi

..Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the first respondent to dispose the revision petition preferred by the petitioner against an order passed by R.D.O. of Attur in the proceedings in Na.Ka.No.4873/2017/A1 dated 15.05.2020.

For Petitioner : Mr.R.Thirumoorthy

For Respondent-1 : Mr.V.Shanmugasundar
Special Government Pleader

O R D E R

The prayer sought for in this writ petition is for a direction to the first respondent to dispose the revision petition preferred by the petitioner against an order passed by R.D.O. of Attur in its proceedings in Na.Ka.No.4873/2017/A1 dated 15.05.2020.

2. The petitioner is the son of deceased father, namely, Sengan @ Mottaya Padayachi, who died on 11.01.2014. He made a representation to the Tahsildar requesting to issue legal heirship certificate. Wherein, the second respondent herein has also filed an application for seeking legal heir certificate by claiming himself as a legal heir to the petitioner's deceased father. The Tahsildar conducted an enquiry and issued legal heir certificate to the petitioner. Aggrieved upon the issuance of legal heir certificate to the petitioner, the second respondent filed a writ petition before this Court and the same was disposed on 03.12.2019. After the said order, the Revenue

Divisional Officer, Attur conducted an enquiry and passed an order vide proceedings in Na.Ka.No.4873/2017/A1, dated 15.05.2020 directing the parties to approach the Civil Court for getting legal heir certificate despite the Civil Court had already considered the petitioner's plea and approved the petitioner's legal heir status to the deceased father. Aggrieved over the order passed by R.D.O., Attur, the petitioner filed revision petition before the first respondent. But till date, the revision petition has not been taken up for consideration to pass order. Hence, the writ petition.

3. Heard the learned counsel appearing on both sides and perused the materials placed before this Court.

4. 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 dispose the revision petition preferred by the petitioner dated 20.06.2020, 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 second respondent herein and also any other person interested in this regard and by affording them an opportunity of personal hearing or virtual hearing or otherwise, considering their written objections and after verifying the relevant documents, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The District Collector,
Salem District,
Salem.

+1cc to M/s.R.Thirumoorthy, Advocate, S.R.No.39286

W.P.No.17137 of 2020

SR II (CO)
RV (04/01/2021)