

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.730 of 2021

K.Saraswathi

...

Petitioner

Vs

1. The District Collector,  
District Collector Office,  
4th floor, M.Singaravelar Maaligai,  
No.62, Rajaji Salai, Chennai 600 001.

2. The Revenue Divisional Officer,  
Chennai South Division,  
Near the Tamil Nadu Dr.MGR Medical University,  
Anna Salai, Guindy, Chennai 600 032.

3. The Tahsildhar,  
Velachery Taluk Office,  
Seva Nagar, 1st Street,  
Soni Nagar, Periyar Nagar Extension,  
Velachery, Chennai 600 042

...

Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the first respondent to pass an order on the petitioner's revision petition dated 20.08.2020 in D.No.16470 filed before them challenged the order passed by the second respondent dated 03.08.2020 in Na.Ka.No.A3/972/2020 dismissed her appeal in respect of change the legal heir Certificate vide Certificate No.TN-720180601628 dated 20.07.2018 issued for the deceased late K.Kathiresan died on 26.01.2018.

For petitioner

...

Mr.N.Kumar Rajan

For respondents

...

Mr.V.Shanmugasundar

Spl.Govt.Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to pass final orders on the revision petition filed by the petitioner on 20.08.2020

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within a time frame to be fixed by this Court.

2. It is the case of the petitioner that her husband K.Kathiresan died on 26.01.2018. According to the petitioner, her daughter K.Gajalakshmi pre-deceased her husband. However, in the legal heir certificate issued earlier by the third respondent, the petitioner's daughter's name ( K.Gajalakshmi) was also erroneously mentioned as one of the legal heirs of the deceased K.Kathiresan. It is the case of the petitioner that she has filed an appeal before the second respondent, aggrieved by the disclosure of her deceased daughter's name K.Gajalakshmi in the legal heir certificate for her deceased K.Kathiresan. The said appeal was dismissed on 03.08.2020. Aggrieved by the same, the petitioner preferred a revision petition on 20.08.2020 before the first respondent.

3. It is the case of the petitioner that she intends to sell one of the properties, which was earlier belonging to her husband K.Kathiresan and in view of the disclosure of her deceased daughter's name Gajalakshmi in the legal heir certificate, as one of the legal heirs of the deceased K.Kathiresan, she is unable to sell the said property. In such circumstances, she has filed this Writ Petition seeking for early disposal of the petitioner's revision Petition dated 20.08.2020 by the first respondent.

4. Heard Mr.N.Kumar Rajan, learned counsel for the petitioner and for Mr.V.Shanmugasundar, learned Special Government Pleader accepts notice on behalf of the respondents. By consent of both the parties, this writ petition is taken up for final disposal.

5. The relief sought for in this writ petition is an innocuous one. Admittedly, a revision petition is pending on the file of the first respondent with regard to removal of the name of the K.Gajalakshmi in the legal heir certificate issued by the third respondent for the deceased K.Kathiresan, who is the petitioner's husband. In the affidavit filed in support of the petition, the petitioner has also stated that she desires to sell one of the properties, which was earlier belonging to her deceased husband K.Kathiresan.

6. Admittedly, K.Gajalakshmi, the daughter of the petitioner died even before the death of the petitioner's husband K.Kathiresan. The death certificate has also been enclosed, which discloses that she died as early as on 25.02.2005. The subject matter of the revision petition pending on the file of the first respondent is for removal of name of

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Gajalakshmi as legal heir of the deceased K.Kathiresan, as she was not alive at the time of the death of K.Kathiresan.

7. In view of the aforesaid circumstances, this Court is of the considered view that the revision petition filed by the petitioner, which is pending on the file of the first respondent will have to be disposed of expeditiously.

8. For the foregoing reasons, this Court directs the first respondent to pass final orders on merits and in accordance with law in the revision petition filed by the petitioner on 20.08.2020 in Diary No.16470, within a period of eight weeks from the date of receipt of a copy of this order, after affording fair hearing to the petitioner.

9. With the aforesaid direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

srn

To

1. The District Collector,  
District Collectorate Office,  
4th floor, M.Singaravelar Maaligai,  
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Soni Nagar, Periyar Nagar Extension,  
Velachery, Chennai 600 042

+1cc to Mr.Kumar Rajan, Advocate SR.1774

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