

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2021

CORAM

THE HONOURABLE Mr.JUSTICE ABDUL QUDDHOSE

W.P.No.7107 of 2021

Chinna Gowdu

... Petitioner

Vs

1. The Revenue Divisional Officer,
Hosur, Krishagiri District.

2. The Tahsildar,
Dhenkanikottai Taluk,
Krishnagiri District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking for an issuance of a writ of mandamus to direct the first respondent herein to dispose of the petitioner's appeal dated 26.12.2020 challenging the rejection of issuance Class-II Legal Heirship Certificate of his deceased brother Srinivasan in accordance with law and within a stipulated period.

For Petitioner : Mr.K.Govi Ganesan
For Respondents : Mr.V.Shanmugasundar,
Special Government Pleader

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the first respondent to dispose of the petitioner's appeal within a time frame to be fixed by this Court.

2. Heard Mr.K.Govi Ganesan, learned counsel for the petitioner and 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 at the time of admission itself.

3. The petitioner, aggrieved by the rejection of his application seeking for issuance of legal heirship certificate

by the second respondent, has preferred a statutory appeal before the first respondent.

4. The petitioner claims that he is a Class-II legal heir. Admittedly, the said statutory appeal is pending on the file of the first respondent. It is settled law that there is no prohibition for the second respondent to issue legal heirship certificate for Class-II legal heirs also.

5. No prejudice will be caused to the respondents, if a direction is issued to the first respondent for early disposal of the statutory appeal filed by the petitioner, which is now pending on the file of the first respondent.

6. For the foregoing reasons, this Court directs the first respondent to pass final orders on the petitioner's statutory appeal challenging the rejection of the issuance of Class-II legal heirship certificate for the deceased brother Srinivasan, after affording a fair hearing to the petitioner, within a period of 12 weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

SRN

To

1. The Revenue Divisional Officer,
Hosur, Krishagiri District.
2. The Tahsildar,
Dhenkanikottai Taluk,
Krishnagiri District.

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PCH(CO)
TE (19/04/2021)