

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.25023 OF 2021

Jayakantha

... Petitioner

.Vs.

1. The District Collector
Chennai District,
Singaravelar Maligai,
Chennai 600 001.

2. The Revenue Divisional Officer,
Egmore Revenue Division,
Chennai 600 031.

3. The Tahsildar,
Mylapore,
Triplicane Taluk,
Chennai 600 028.

4. C.Ravikumar

5. C.Maheshwari

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1-3 to consider and pass orders on the representation of the petitioner dated 03.09.2021 for cancellation of the legal heir certificate No.DIS B4/ 22009/2009 dated 17.09.2009.

For Petitioner : Mr.M.Duraimurugan

For Respondents : Mr.U.Baranidharan
Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1-3 to consider and to pass orders on the representation of the petitioner dated 03.09.2021 for cancellation of the legal heir certificate No.DIS B4/ 22009/2009 dated 17.09.2009.

2.The case of the petitioner is that the petitioner's parents lived at No.108/3 and 109/3 at Nochikuppam plot allotted to them by the Tamil Nadu Slum Clearance Board and her mother died on 02.01.2004 and her father died on 14.07.2009 leaving behind the petitioner and respondents 4 and 5 as their legal heirs, however, respondents 4 and 5 colluded together and obtained legal heir certificate dated 17.09.2009 from the third respondent by omitting the petitioner's name. Hence, the petitioner lodged complaint before the Inspector of Police, D5, Marina Police Station (law and order), Mylapore, Chennai on 10.05.2017 and the said complaint was forwarded to the third respondent for necessary action.

3.The further case of the petitioner is that the petitioner made representation to the first respondent on 10.07.2017 requesting to cancel the legal heir certificate dated 17.09.2009 and as per the call letter from the second respondent, she attended the enquiry on 20.12.2017 at the second respondent's office. However no action was taken. Hence, the petitioner made representation to the second respondent on 26.03.2018 seeking to cancel the legal heir certificate dated 17.09.2009 and as per the call letter from the third respondent, a detailed enquiry was conducted at the third respondent office on 29.05.2018, however, no orders were passed. Hence the petitioner has filed this writ petition.

4.The learned counsel appearing for the petitioner would submit that the petitioner has filed appeal before the Revenue Divisional Officer, South Chennai Division with regard to the cancellation of the legal heir certificate. Hence, without going into the merits of the case, it would suffice, if this Court issues direction to the Revenue Divisional Officer, South Chennai Division, to dispose of the appeal filed by the petitioner, within a reasonable time frame.

5.The learned Additional Government Pleader would submit that the Revenue Divisional Officer, South Chennai Division, has vide order dated 11.06.2019 rejected the appeal filed by the petitioner and has directed the petitioner to approach the competent Civil Forum. Hence, the petitioner instead of approaching the competent Civil Forum, has filed this writ petition which is un-sustainable.

6.The facts in the present case is not in dispute. Admittedly, the petitioner has filed appeal before the Revenue Divisional Officer, South Chennai Division with regard to the cancellation of the legal heir certificate and the same has been rejected on 11.06.2019 by directing the petitioner to approach the competent Civil Forum. Hence, the relief sought for in this writ petition cannot be considered.

7.The writ petition is dismissed. However, liberty is granted to the petitioner to work out the remedy in the manner known to law. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

pri

To

1. The District Collector
Chennai District,
Singaravelar Maligai,
Chennai 600 001.
2. The Revenue Divisional Officer,
Egmore Revenue Division,
Chennai 600 031.
3. The Tahsildar,
Mylapore,
Triplicane Taluk,
Chennai 600 028.

+1cc to Mr.M.Duraimurugan, Advocate, S.R.No.60592
+1cc to the Government Pleader, S.R.No.61122

W.P.No.25023 of 2021

AD(CO)
PM/05/01/2022