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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.26044 OF 2021

Elumalai

... Petitioner

.Vs.

1. The District Collector,
Villupuram
2. The District Revenue Officer,
Villupuram
3. The Revenue Divisional Officer
4. Gopalakrishnan

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing, the 1st respondent to conduct enquiry and pass orders in the appeal presented on 20.02.2019 within a time frame.

For Petitioner	: M/s.R.Poornima
For Respondents R1 to R3	: Mr.K.Karthikeyan Government Advocate
For Respondent R4	: No Appearance

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct, the 1st respondent to conduct enquiry and to pass orders in the appeal presented on 20.02.2019 within the time to be stipulated by this Hon'ble Court.



2. The case of the petitioner is that his father was an agriculturalist and he married the petitioner's mother and had one son/petitioner herein and two daughters. The petitioner's father died on 21.12.1992 and the petitioner obtained the legal heir-ship certificate vide proceedings dated 20.07.2012 issued by the 3rd respondent. All of a sudden the 4th respondent filed a petition seeking cancellation of legal heir-ship certificate after six years without any basis or proper evidence claiming that his mother namely, Chinnapapa married the petitioner's father and had 6 children and the petitioner has obtained the legal heir-ship certificate without including their names. Thereafter, the petitioner filed an objection and without considering or examining the same, the 2nd respondent recklessly set aside the legal heir-ship certificate issued to the petitioner. Thereafter, the petitioner filed an appeal on 20.02.2019 before the 1st respondent and has also filed a writ petition in W.P.No.27801 of 2019 challenging the order of the 2nd respondent and this Court vide order dated 19.09.2019 recording that enquiry is fixed on 08.11.2019 in the petitioner's appeal, directed the respondents to pass orders in the appeal on or before 31.12.2019. However, till date no order has been passed. Hence, this writ petition.

3. The learned counsel appearing for the petitioner submits that taking advantage of the cancellation of legal heir-ship certificate, the 4th respondent is initiating action to obtain legal heir-ship certificate including their names and despite the order of this Court, the respondents have not proceeded with the enquiry. He further submitted that, it would suffice, if this Court issues direction to the 1st respondent to conduct the enquiry and to pass appropriate orders in the petitioner's appeal as early as possible.

4. The learned counsel appearing for the respondents 1 to 3 has no serious objection for the prayer sought for by the petitioner and he further submitted that the enquiry will be completed within a period of 12 weeks and appropriate orders will be passed on the petitioner's appeal.

5. Heard the arguments advanced on either side.

6. Considering the facts and circumstances of the case, this Court without going into the merits of the case, issues direction to the 1st respondent to complete the enquiry after providing opportunity to the other parties and pass appropriate orders on the petitioner's appeal dated 20.02.2019 within a period of twelve weeks from the date of receipt of a copy of this order.



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7. Accordingly, this Writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

skt

To

1. The District Collector,
Villupuram,
2. The District Revenue Officer,
Villupuram.
3. The Revenue Divisional Officer,
Villupuram.

+1cc to M/s.R.Poornima, Advocate, S.R.No.64588
+1cc to the Government Pleader, S.R.No.64862

W.P.No.26044 of 2021

MG (CO)
PM/06/01/2022