



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2021

CORAM

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.16628 of 2021

Santhosh

... Petitioner

Vs.

1.The District Collector,
Karur District,
Karur.

2.The District Revenue Officer,
Karur District,
Karur.

3.The Revenue Divisional Officer,
Karur Revenue Division,
Karur District.

4.The Thasildar,
Punjai Pugalur Taluk,
Karur District.

5.The Zonal Deputy Thasildar,
Punjai Pugalur Taluk,
Karur District.

6.Gandhimathi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 3 to 5 to conduct enquiry within stipulated time fixed by this Court on the basis of the petitioner's representation dated 30.11.2020.

For Petitioner : Mr.S. Gokulraj
For R-1 to R5 : Mr.K.S. Selva Ganesan
Counsel for State.

ORDER

The petitioner seeks a direction to respondents 3 to 5 herein to conduct an inquiry on the basis of his representation dated 30.11.2020.



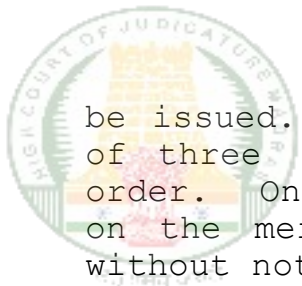
2. The petitioner asserts that the property bearing S.F.Nos.344/1 and 344/2, Pavithram Village, Punjai Pugalur Taluk, Karur District is an ancestral property originally owned by his grandmother. According to the petitioner, after the demise of his grandmother, his father, Paneerselvam, and his uncle Tamilarasan were in possession and enjoyment of the property. His uncle had married one Saraswathi. The petitioner alleges that the said Saraswathi married another person called Krishnan during the subsistence of her marriage to the petitioner's uncle. According to the petitioner, the sixth respondent was born to Krishnan and Saraswathi and not to Tamilarasan and Saraswathi.

3. However, it is alleged that the sixth respondent has procured a false Legal Heir Certificate indicating that she is the daughter of the petitioner's uncle. On such basis, it is alleged that the revenue records have been mutated so as to wrongly reflect her name. The petitioner further alleges that the sixth respondent and her mother have executed a sale deed in respect of his ancestral property by making use of the above mentioned unlawfully procured Legal Heirship Certificate and patta. After carrying representations in this regard, the petitioner has approached this Court seeking an inquiry.

4. Mr.K.S.Selva Ganesan, learned Counsel for the State, accepts notice on behalf of respondents 1 to 5. He submits that the Tahsildar by communication dated 13.07.2021 has called upon the Deputy Tahsildar to provide a report after inquiring into the matter.

5. The petitioner has enclosed the Transfer Certificate of the sixth respondent which contains the name of A.Krishnan as the father of the pupil. Similarly, he has enclosed a Community Certificate which also indicates the name of Krishnan as the father of the sixth respondent. In addition, he has produced a copy of the Legal Heir Certificate in respect of the petitioner's uncle Tamilarasan. Such Legal Heir Certificate indicates the names of Saraswathi, Gandhimathi and Vijayakumar as the legal heirs, albeit indicating that the said Vijayakumar was dead at the time of issuance of the Legal Heirship Certificate. On the basis of these documents, the petitioner has made out a case for an inquiry into the matter. However, it should be noted that the sixth respondent and Saraswathi may refute all these allegations if they are put on notice. Therefore, it is just and necessary that the said persons should be heard by the official respondents in course of inquiry.

6. Subject to the above observations but without going into the merits of the matter, the fourth respondent herein is directed to consider the petitioner's representation dated 30.11.2020, conduct an inquiry on such basis by providing a reasonable opportunity to the petitioner, Saraswathi and the sixth respondent. In conclusion of such inquiry, a reasoned order shall



be issued. The entire exercise shall be completed within a period of three (3) months from the date of receipt of a copy of this order. On account of the fact that no findings have been rendered on the merits of the dispute, the Writ Petition is disposed of without notice to the private respondent.

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7. W.P.(MD).No.16628 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (Cs-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/nsr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
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Karur District.
- 5.The Zonal Deputy Thasildar,
Punjai Pugalur Taluk,
Karur District.

+1 CC to M/s.SPL. GP (SR-29584[F] dated 20/09/2021)



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+1 CC to M/s.S.GOKULRAJ, Advocate (SR-29431[F] dated 17/09/2021)

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