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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.2788 of 2022

Sri.M.Govindarajan

...Petitioner

Vs

1.The District Collector,
Chengalpattu District
Chengalpattu - 603 001.

2.The District Revenue Officer,
Chengalpattu District
Chengalpattu.

3.The Tahsildar
Tambaram Taluk,
Tambaram.

4.M.Vinayagamoorthy

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd Respondent to pass appropriate orders on the petitioner's representation dated 16.02.2021 for cancellation of legal heirship certificate dated 01.01.2021 issued in favour of Smt. Jayammal.

For Petitioner : Mrs.Vasudha Thiagarajan

For Respondents R1 to R3: Ms.Geetha Thamaraiselvan,
Special Government Pleader

O R D E R

Heard Mrs.Vasudha Thiagarajan, learned counsel for the petitioner and Mrs. Geetha Thamaraiselvan, learned Special Government Pleader for R-1 to R-3.

2. Read this order in conjunction with order dated 16.02.2022, particularly paragraph 2 extracted below:



"2. No notice is issued at this juncture to R4 seeing as the prayer is only for a direction to dispose the representation of the petitioner dated 15.02.2021."

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3. Though Mrs.Geetha Thamaraiselvan, learned Special Government Pleader would state that the Tahsildar / R-3 has fixed hearing of the petitioner's representation on 08.03.2022, the proper authority to consider the request for cancellation of legal heirship certificate would be the Revenue Divisional Officer as per Circular No.9/2019 (Rc.No.RA.5(3)/180/2017) dated 24.09.2019 issued by the Commissionerate of Revenue Administration and Disaster Management, Chepauk, Chennai-600 005. Thus, the petitioner is permitted to make his representation before the appropriate authority being the Revenue Divisional Officer.

4. Though the learned counsel for the petitioner would draw my attention to representation dated 16.02.2021 that she state would suffice, this representation has not been addressed to the Revenue Divisional Officer and thus, no reliance may be placed on this. The fact that the Tahsildar has initiated enquiry and, issued a notice dated 16.06.2021 in this regard is extraneous to the matter.

5. In order to correct the procedure followed thus far, the petitioner is permitted to file a representation, as aforesaid before the Revenue Divisional Officer, and such application / representation if filed within a period of four (4) weeks from today, shall be processed, enquired into, the petitioner as well as R-4 and any other party who may be thought necessary, heard and orders passed in accordance with law and all applicable Rules and Regulations within twelve (12) weeks from the date of receipt of application.

6. This Writ Petition is disposed. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Jeni/Svn



To

1.The District Collector,
Chengalpattu District
Chengalpattu - 603 001.

2.The District Revenue Officer,
Chengalpattu District
Chengalpattu.

3.The Tahsildar
Tambaram Taluk,
Tambaram.

+1 CC to Mr.R. Thiagarajan, Advocate sr 13941

+1 CC to The Special Government Pleader sr 14676.

W.P.No.2788 of 2022

SKM(CO)
SP(01/04/2022)