



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.5494 of 2022
& W.M.P.No.5575 of 2022

S.Manoharan

...Petitioner

Vs.

1.The Revenue Divisional Officer,
Tondiarpet,
Chennai - 600 081.

2.The Thasildhar,
Madhavaram Taluk,
Balaji Nagar,
Madhavaram,
Chennai - 600 066.

3.Smt.Kalaiselvi.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Certiorarified Mandamus, calling for the records in respect of the impugned Legal Heir Certificate issued by the second respondent vide No. TN-7202106294059 dated 09.07.2021 and to quash the same and consequently direct the second respondent to issue a new legal heir certificate by incorporating the petitioner's name as the legal heir for the petitioner's deceased father K.Sampath, died on 20.05.2021, in pursuance to the representation dated 24.09.2021 made by the petitioner.

For Petitioner : Mr.S.Vijayakumar

For Respondents : Mr.D.Gopal
Government Advocate - R1 and R2



O R D E R

Mr.D.Gopal, learned Government Advocate accepts notice for R1 and R2 and is in possession of instructions to enable final disposal of this matter. No notice is issued to R3 at this juncture, in view of the order passed in the paragraphs to follow. Hence, by consent expressed by the learned counsel for the petitioner and learned Government Advocate for R1 and R2, this Writ Petition is disposed finally even at the stage of admission.

2. The petitioner challenges the legal heir certificate issued by the Tahsildar, Madhavaram Taluk, arrayed as R2, which does not contain his name as being a legal heir of one K.Sampath, who he claims was his father, who died on 20.05.2021.

3. In this regard he has made a representation dated 24.09.2021 before the Revenue Divisional Officer/R1 seeking cancellation of the certificate and issuance of a fresh certificate including his name as well.

4. Mr.D.Gopal, learned Government Advocate agrees that the said representation is pending and would also accede to the suggestion of the Court that R1 may be permitted to dispose the representation after hearing the petitioner and R3 within a time frame to be fixed by this Court.

5. Hence, the mandamus as sought for is issued directing R1 to consider the representation of the petitioner dated 24.09.2021 after issuing notice to the petitioner and R3, hearing the respective parties, considering the materials/evidence, if any, that may be filed by them and dispose the same on merits and in accordance with law, within a period of eight (8) weeks from date of first hearing.

6. The impugned legal heir ship certificate bearing No.TN-7202106294059 dated 09.07.2021 shall be kept in abeyance till orders are passed by R1 within the timelines stipulated above.

7. This writ petition is disposed as above. Consequently connected Miscellaneous Petition is closed. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar



sl/nst

To

1.The Revenue Divisional Officer,
Tondiarpet,
Chennai - 600 081.

2.The Thasildhar,
Madhavaram Taluk,
Balaji Nagar,
Madhavaram,
Chennai - 600 066.

+lcc to Mr.S.Vijayakumar, Advocate SR. No. 16298

+lcc to Government Pleader SR. No. 17002

W.P. No.5494 of 2022
&
W.M.P.No.5575 of 2022

MG (CO)
PR (24/03/2022)