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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.NO.14647 OF 2022

S.Parameswari

..Petitioner

-Vs-

1. The District Collector,
Coimbatore District,
Coimbatore.
2. The District Manager,
Coimbatore Zone,
Tamilnadu State Marketing Corporation Ltd.
(TASMAC),
305/A, Vilangurichi Road,
Peelamedu, near Railway Station,
Coimbatore - 641 004.
3. The Revenue Divisional Officer,
Coimbatore South Division,
State Bank Road,
Coimbatore - 641 018.
4. The Tahsildar,
Coimbatore South Taluk,
Gopalapuram,
Coimbatore - 641 018.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned rejection Letter in O.Mu.4788/2019/A5 dated 24.12.2019 on the file of the 4th respondent which rejected petitioner's application dated 17.12.2019 and quash the same and also issue a suitable direction to the 4th respondent to consider his representation dated 09.03.2021 addressed to the 3rd respondent and to issue a legal heirs certificate after due verification and on the basis of the unshakable evidence of documents produced before them without insisting me to approach the Civil Court.



For Petitioner : Mr.A.Prakash
For Respondents : Mr.K.H.Ravikumar
Government Advocate.

O R D E R

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By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2. This writ petition has been filed challenging the order dated 24.12.2019 passed by the 4th respondent, rejecting the petitioner's application dated 17.12.2019 seeking for issuance of legal heir certificate for his deceased brother C.M.Kamaraj who died on 02.11.2019, on the ground that the petitioner is a Class II legal heir. Aggrieved by the same, the petitioner has preferred a statutory appeal which is pending on the file of the 3rd respondent.

3. Since the statutory appeal has already been filed, this Court cannot entertain this writ petition. However, no prejudice would be caused to the respondents if a direction is issued to the 3rd respondent to dispose of the statutory appeal filed by the petitioner expeditiously within a time frame to be fixed by this Court.

4. For the forgoing reasons, this Court directs the 3rd respondent to pass final orders on the statutory appeal filed by the petitioner aggrieved by the impugned order dated 24.12.2019 passed by the 4th respondent, within a period of twelve weeks from the date of receipt of a copy of this order, after affording a fair hearing to the petitioner and other legal heirs if any of the deceased C.M.Kamaraj, including granting them the right of personal hearing.

5. With the aforesaid directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vsi



To

1. The District Collector,
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+1cc to the Government Pleader, S.R.No.36448

W.P.No.14647 of 2022

SKM(CO)
PM/24/06/2022