



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.1495 of 2022

P.Rasaiah

... Petitioner

vs.

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Tirunelveli, Tirunelveli District.

2.The Tahsildar,
Tirunelveli Taluk Office,
Tirunelveli District,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representation, dated 15.11.2019 thereby include him as well as the other three legal heirs namely, Tmt.P.Shanmugathai, Tmt.P.Vellathai and Tmt.P.Sankarammal in the existing legal heir certificate bearing No.TN-720180814523, dated 12.09.2018 issued by the second respondent within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.D.Ghandiraj

Special Government Pleader

ORDER

Mr.D.Ghandiraj, learned Special Government Pleader, takes notice on behalf of both the respondents.

2.The present writ petition has been filed in the nature of Writ of Mandamus, seeking a direction against the respondents/Revenue Divisional Officer, Tirunelveli and the Tahsildar, Tirunelveli Taluk Office to consider a representation given by the petitioner on 15.11.2019 and include the petitioner/P.Rasaiah as well as other legal heirs, namely, Tmt.P.Shanmugathai, Tmt.P.Vellathai and Tmt.P.Sankarammal in the existing legal heirship certificate, dated 12.09.2018 issued by the second respondent.

3.It is stated that his father, namely, Poolaiah Thevar passed away on 05.02.1985. He had two wives. After the demise of his first wife, Poolaiah Thevar had married a second wife. Both of them have unfortunately died. The first wife had three daughters and two sons. The second wife had one son and two daughters. All of them are entitled to be classified as legal heirs of Poolaiah Thevar. The legal heirship certificate had been issued, but in that, the children of the first wife alone had been given as the legal heirs. The petitioner is naturally aggrieved over the same.



4.It is represented by the learned Special Government Pleader that the competent authority to whom the representation must be given is the District Collector, Tirunelveli District. However, the petitioner had given a representation only before the respondents herein/the Revenue Divisional Officer and the Tahsildar, who are not competent authorities. The writ petition need not be kept pending on the file of this Court, but direction is given to the petitioner herein to give a fresh representation enclosing all relevant details directed to the District Collector. Such representation may be given within a period of three weeks from the date of receipt of a copy of this order. Thereafter, following due process by issuing notice and making necessary enquiry, the District Collector, Tirunelveli, may pass necessary orders on the representation within a period of six further weeks.

5.With the above observations, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sjj

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 Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Tirunelveli, Tirunelveli District.

2.The Tahsildar,
Tirunelveli Taluk Office,
Tirunelveli District,Tirunelveli.

3.The District Collector,
Tirunelveli District,Tirunelveli.

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-3243[F] dated 31/01/2022)

+1 CC to M/s.SPL.GP (SR-3154[F] dated 31/01/2022)

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