



W.P.(MD)No.27103 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.12.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.27103 of 2022

A.Kiruba Devi

.. Petitioner

Vs.

1.The Appellate Authority / Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Madurai East, Madurai District.

2.The Tahsildar,
Madurai East Tahsildar Office,
Madurai District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent No.1 to dispose the Appeal preferred by the petitioner dated 29.10.2022 to issuance of Legal Heirs Certificate based on the G.O.(Ms).No.478 (Revenue and Disaster Management Department) dated 29.09.2022 issued by the Principal Secretary to Government within the time stipulated by this Court.

For Petitioner : Mr.I.Pinaygash
For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus,

<https://www.mhc.tric.gov.in/judis> directing the first respondent to dispose the appeal preferred by the petitioner



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dated 29.10.2022 to issue Legal Heirs Certificate, based on the G.O.(Ms).No. 478 (Revenue and Disaster Management Department) dated 29.09.2022 issued by the Principal Secretary to Government, within the time stipulated by this Court.

2. Heard Mr.I.Pinaygash, learned counsel for the petitioner and Mr.D.Gandhiraj, learned Special Government Pleader, who takes notice for the respondents. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The grievance of the petitioner is that the appeal preferred by the petitioner has not been disposed of till date.

4. The learned counsel for the petitioner submitted that the petitioner is one of the four legal heirs of the deceased Muniyammal, who died on 16.03.2022. Her father abandoned her family 22 years back and remarried, through which, he has got two children. When the petitioner's sibling, one Subbulakshmi applied for issuance of legal heirship certificate, it came to be rejected stating that the applicant should approach the Court to get the legal heirship certificate, since the deceased Muniyammal's husband has two wives.

challenging the same, an appeal dated 29.10.2022 has been filed before the



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first respondent. Since the appeal has not been disposed of till date, the petitioner has approached this Court by way of filing this writ petition.

5. No prejudice would be caused to the respondents, if the appeal dated 29.10.2022 on the file of the first respondent is considered on merits and in accordance with law, after hearing the petitioner as well as the other legal heirs.

6. Accordingly, this Court, without expressing any opinion on the merits of the matter, directs the respondents to dispose of the appeal, dated 29.10.2022 on the file of the first respondent, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, and the other legal heirs, within a period of six [6] weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

01.12.2022

Index : Yes/No
Internet : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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To

- 1.The Appellate Authority / Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Madurai East,
Madurai District.
- 2.The Tahsildar,
Madurai East Tahsildar Office,
Madurai District.

Order made in
W.P.(MD) No.27103 of 2022

01.12.2022