



WEB COPY



W.P.No.9639 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.9639 of 2023

Mohamed Saliah

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Tondiarpet,
Chennai District.

2.The Thasildar,
Tondiarpet Taluk,
Chennai District.

3.Mohamed Silar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to dispose of the petitioner's appeal dated 14.02.2023 in the light of G.O. (Ms) No. 478 Revenue and Disaster Management, Revenue Administration Wing, RA-3(2) Section dated 29.09.2022.

For Petitioner : Mr.I.Sheik Mohamed

For Respondents : Mr.M.Alagu Goutham
Government Advocate



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ORDER

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This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the first respondent to dispose of the petitioner's appeal dated 14.02.2023 in the light of G.O. (Ms) No. 478 Revenue and Disaster Management, Revenue Administration Wing, RA-3(2) Section dated 29.09.2022.

2. Mr.M.Alagu Goutham, learned Government Advocate accepts notice for the respondents 1 and 2. In view of the consent expressed by the learned counsel appearing on either side, these petitions are taken up for final disposal.

3. Since no adverse order is being passed against the third respondent, notice to the third respondent is dispensed with.

4. The case of the petitioner is that, one Ameerunisha was his sister's daughter and her parents predeceased her. While so, the petitioner being a guardian of the said Ameerunisha brought her up along with him. The said Ameerunisha was a bachelor and never married during her life time.



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Unfortunately, she died on 02.05.2022. Thereafter, the petitioner approached the second respondent seeking legal heir certificate in his favour, however, the second respondent did not entertain the same and issued legal heir certificate on 21.09.2022 in favour of the third respondent, who is the step father of the deceased and the second husband of his sister. Hence, the petitioner sent a legal notice to the respondents 1 and 2 to cancel the above legal heir certificate. As per the guidelines and procedures issued in G.O.(Ms).No.478 Revenue & Disaster Management, Revenue Administration Wing, RA-3(2) Section, dated 29.09.2022, the petitioner has preferred an appeal before the first respondent on 14.02.2023 to cancel the legal heir certificate issued in favour of the third respondent. Since the same was not disposed by the first respondent, the petitioner has filed the above writ petition before this Court for appropriate orders.

5. Though very many grounds have been raised in this writ petition, the learned counsel for the petitioner would submit that, it would suffice, if this Court issues a direction to the first respondent to dispose of the petitioner's appeal dated 14.02.2023 in the light of G.O.(Ms) No. 478 Revenue and Disaster Management, Revenue Administration Wing, RA-



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3(2) Section, dated 29.09.2022, within a time frame that may be fixed by this Court.

6. On the above contentions, heard the learned Government Advocate appearing for the respondents 1 and 2 and perused the materials placed on record.

7. Considering the facts and circumstances of the case, this Court, without going into the merits of the case, directs the first respondent to dispose of the petitioner's appeal dated 14.02.2023, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as the aggrieved person, if any, within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is disposed of. No costs.

29.03.2023

Index : Yes / No
Speaking order / Non speaking order
Neutral Citation Case : Yes / No
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To

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Tondiarpet,
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M.DHANDAPANI, J.

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