



W.P.No.11768 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.11768 of 2023

P.Asokan

...Petitioner

Vs

1.The District Collector,
Coimbatore District.

2.The District Revenue Officer,
Coimbatore, Coimbatore District.

3.The Tahsildar,
Coimbatore North Taluk,
Coimbatore District.

4.Ponnammal

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent herein to consider the petitioner's representation dated 16.12.2022 and thereby direct the second respondent to conduct enquiry and to cancel the legal heirship certificate dated 22.05.2006, within a time frame fixed by this Court.



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For Petitioner : Mr.S.Parthasarathy,
Senior Counsel for
Mr.P.Dinesh Kumar

For Respondents : Mr.P.Sathish,
Additional Government Pleader
for R1 to 3

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2.Since this Court is directing the second respondent to consider the petitioner's representation, after giving notice and due opportunity to the fourth respondent, notice to the fourth respondent is hereby dispensed with.

3.The petitioner herein had preferred a representation before the second respondent on 16.12.2022 for cancellation of the legal heirship certificate. Since the said representation was not considered, the present writ petition has been filed.



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4.It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

5.In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 16.12.2022, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, fourth respondent as well as all other persons, who may be interested in the subject property, within a period of four weeks from the date of receipt of a copy of this order.



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M.S.RAMESH,J.

vga

6.It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

7.With the above direction, the Writ Petition stands disposed of. No costs.

18.04.2023

Index:Yes/No
Speaking order/Non-speaking order
vga

To

- 1.The District Collector,
Coimbatore District.
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- 3.The Tahsildar,
Coimbatore North Taluk,
Coimbatore District.

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