



WEB COPY



W.P.No.6661 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.No.6661 of 2024

V.Vithyanarayanan

... Petitioner

vs.

1. The District Collector,
Coimbatore District,
Collector Office, Coimbatore.

2. The Revenue Divisional Officer,
North Office, No.50, Venkateswara Nagar,
Koundampalayam,
Coimbatore - 641 030.

3. The Tahsildar,
Coimbatore North Taluk,
Coimbatore.

4. G.Hariraj,
S.o Gopannaraja

..Respondents

Prayer in W.P. : Writ Petition filed under Article 226 of the constitution to issue a Writ of Mandamus to direct the 3rd respondent to pass orders in the proceedings (Na.K.0970/2023/B4) dated 09.05.2023 by considering the petitioner's representation dated 25.09.2023 on merits.

For Petitioner : Mr.V.S.Suresh

For Respondents : Mr.S.John J.Raja Singh,
Additional Government Pleader

ORDER



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Mr.J.John J.Raja Singh, learned Additional Government Pleader takes notice for 1st to 3rd respondents. By consent of the parties, the main writ petition itself is taken up for final disposal. Since this writ petition is being disposed of without affecting the interest of the 4th respondent, notice to the 4th respondent is dispensed with.

2. This Writ Petition has been filed to issue a Writ of Mandamus to direct the 3rd respondent to pass orders in the proceedings dated 09.05.2023 on merits, by considering the petitioner's representation dated 25.09.2023.

3. The brief facts of the case of the petitioner are as follows:

(i) The petitioner states that Mr.S.Boopathy, is the younger brother of his father Mr.S.Venkatpathy, who got other brothers viz., Dr.S.Thiurmalpathy, S.Raghupathy and also 5 sisters. The said S.Boopathy died on 26.02.2013 and had no issues. His wife Mrs.D.Chandra Devi predeceased him and both of them did not either adopt or foster any child till their lifetime.

(ii) The 4th respondent fraudulently obtained legal heirship certificate from the 3rd respondent dated 16.07.23013 claiming that he is



the biological son of Mr.S.Boopathy. Therefore, the petitioner approached the 2nd and 3rd respondents by producing the relevant documents to prove that the 4th respondent obtained the legal heirship certificate by way of fraud and requested the 2nd respondent through his representation dated 05.01.2023 to cancel the legal heirship certificates issued by the 3rd respondent in proceedings dated 28.03.2000 and 16.07.2013.

(iii) The 3rd respondent summoned the petitioner and the 4th respondent for conducting enquiry on 19.05.2023. The petitioner appeared before the 3rd respondent and produced all relevant records to prove that the 4th respondent obtained the legal heirship certificates by way of fraud. The 4th respondent did not appear for the enquiry on 19.05.2023. Thereafter, no further steps were taken by the authorities till date. The 4th respondent has been encumbering the properties of late.S.Boopathy. Therefore, the present writ petition has been filed.

4. Learned counsel for the petitioner would state that though the enquiry has been completed as early as on 09.05.2023, no final order has been passed till date. Learned counsel for the petitioner would state that the representation of the petitioner dated 25.09.2023 seeking to pass final



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orders is still pending and no order has been passed till date. Learned counsel would further submit that the 2nd respondent may be directed to dispose of the representation of the petitioner within the time to be stipulated by this Court.

5. This Court, taking into consideration, the limited scope of the prayer sought for by the petitioner, without going into the merits of the case, directs the 2nd respondent to consider the petitioner's representation dated 25.09.2023 taking note of the enquiry that has been completed as early as on 09.05.2023 by the 3rd respondent, and pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner and the 4th respondent. The Writ Petition is disposed of accordingly. No costs.

15.03.2024

Index : Yes/No
Speaking /Non speaking order
vsi

To



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