



W.P.No.12458 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2024

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THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.12458 of 2024

Balasubramani

.... Petitioner

Vs

1. The District Collector
Thirupur District.

2. The Tahsildar
Kangayam Taluk, Thirupur District.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the Impugned order Mu.Mu.1921/2023/AA4 dated 06/07/2023 passed by the 2nd respondent and pass the same consequently directing the 2nd respondent to issue legal heirs certificate of the deceased Pandiyan @ Saluva Pandiyan S/o Murugaiyan within a specific period of time fixed by this Hon'ble Court.

For Petitioner : Mr.T.Ganesan

For Respondents : Mr.R.Neelakandan
Additional Advocate General



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Assisted by
Mr.U.Bharanidharan
Additional Government Pleader

ORDER

Mr.U.Bharanidharan, learned Additional Government Pleader accepts notice for R1 to R3 and Mr.R.Neelakandan, learned Additional Advocate General appears on his behalf. He is armed with instructions to enable final disposal of this Writ Petition, even at the stage of admission.

2. The challenge is to an order passed by the Tahsildar, Kangayam Taluk, Thirupur District/R2 in Mu.Mu.1921/2023/AA4 dated 06.07.2023. The petitioner is aggrieved by the rejection of the application seeking legal heirship certificate and the conclusion in the impugned order directing him to approach the Court for issuance of legal heirship certificate.

3. Mr.Neelakandan would draw attention of the Court to G.O.Ms.No.478, Revenue & Disaster Management, Revenue Administration Wing, RA-3(2) Section dated 29.09.2022. Clause 7(1) of the Annexure to the aforesaid G.O. Provides for an appeal as against the order of the Tahsildar, to be filed before the Revenue Divisional Officer (RDO) within a period of one year from date of issuance/rejection of the application. In light of the appeal provision, he would submit that this Writ Petition cannot be maintained.



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4. Faced with this position, learned counsel for the petitioner would agree that an appeal would be filed challenging the impugned order.

5. Recording the same and the endorsement made by the learned counsel for the petitioner to withdraw this Writ Petition, this Writ Petition is dismissed as withdrawn granting liberty to the petitioner to approach the appellate authority, ie., Revenue Divisional Officer by way of appeal provided under G.O.Ms.No.478, Revenue & Disaster Management, Revenue Administration Wing, RA-3(2) Section dated 29.09.2022. No costs.

03.06.2024

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Index:Yes/No

Speaking order:Yes

Neutral Citation:Yes

To

1. The District Collector
Thirupur District.
2. The Tahsildar
Kangayam Taluk, Thirupur District.



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Dr.ANITA SUMANTH,J.
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