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W.P.No.37815 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.37815 of 2024

Jayalakshmi

... Petitioner

VS.

1.The Sub-Collector,
Mettur Dam-636 401.
Salem District.

2.The Tahsildar,
Mettur Taluk,
Mettur Dam-636 401,
Salem District.

3.The Village Administrative Officer,
Kolathur Village, Mettur Taluk,
Salem District.

4.Pavithra

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st Respondent herein to conduct the enquiry and dispose the Petitioner's appeal dated 02.11.2023 within stipulated time fixed by this Court.



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For Petitioner : Mr.B.Gopalakrishnan

For R1 to R3 : Mr.R.Neelakandan
Additional Advocate General
Assisted by Mr.V.Ramesh
Government Advocate

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ORDER

By consent of both the learned counsel appearing for the petitioner as well as respondents 1 to 3, this writ petition is disposed of at the admission stage itself.

2. The petitioner herein seeks a direction to the 1st respondent to conduct an enquiry and dispose of her appeal dated 02.11.2023 within the time stipulated by this Court.

3. It is the case of the petitioner that she is the mother of one Dharmaraj, who died on 01.10.2021. It is stated that one Pavithra claiming herself as wife of petitioner's son obtained Legal Heirship Certificate from



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the 2nd respondent. The Legal Heirship Certificate was issued to the above said Pavithra by 2nd respondent inspite of objection made by the petitioner.

Therefore, the petitioner filed an appeal before the 1st respondent on 02.11.2023 seeking removal of said Pavithra's name from the Legal Heirship Certificate. The said appeal is still pending on the file of the 1st respondent without any progress. Therefore, the petitioner has come before this Court.

4. Mr.R.Neelakandan, learned Additional Advocate General assisted by Mr.V.Ramesh, learned Government Advocate, who is taking notice for the respondents 1 to 3 would submit that the appeal filed by the petitioner appeared to have been time barred.

5. In view of the assertion made by the petitioner that inspite of objection made by the petitioner, Legal Heirship Certificate was issued including the name of said Pavithra/4th respondent herein, the 1st respondent is directed to consider the appeal filed by the petitioner dated 02.11.2023 and pass final orders on its own merits and in accordance with law, within a period of eight weeks from the date of receipt of copy of this order, after



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issuing notice to the petitioner and the above said Pavithra, who is arrayed as 4th respondent in the writ petition.

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

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Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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S.SOUNTHAR, J.

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