



W.P.(MD)No.27329 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **15.11.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.27329 of 2024

Dharmaraj

... Petitioner

Vs.

1. The Tahsildar,
Taluk Office,
Aundipatti, Theni District.
2. The Revenue Inspector,
Rajadhani,
Aundipatti Taluk, Theni District.
3. The Village Administrative Officer,
Balakombai Group,
Aundipatti Taluk, Theni District.
4. Packiyam
5. Sudha
6. Nadhiya
7. Chinnathai
8. Ramasamy
9. Manojkumar
10. Lakshmanan
11. Rajaram

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, direction to the respondents 1 to 3 to issue legal heir certificate of the deceased Ramuthai in favour of the petitioner and the respondents 4 to 11 based on petitioner's representation dated 21.10.2024.

For Petitioner : Mr.R.Murugan

For Respondents : Mr.S.Kameshwaran (R1 to R3)
Government Advocate

ORDER

Mr.S.Kameshwaran, learned Government Advocate takes notice for the official respondents. Considering the nature of the limited scope of the relief sought for in this writ petition, notice to the private respondents is dispensed with. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus, directing the respondents 1 to 3 to issue legal heir certificate of the deceased Ramuthai in favour of the petitioner and the respondents 4 to 11 based on petitioner's representation dated 21.10.2024.”



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3. Heard the learned counsel on both sides and carefully perused the entire materials available on record.

4. The petitioner is the grandson of one late.Ramuthai through her second husband, namely, Mokkaiyan @ Muthusamy. During the lifetime of his first husband, Lakshmanan /10th respondent, she married the petitioner's grandfather, namely, Mokkaiyan @ Muthusamy. The petitioner's grandmother through her both husbands, was blessed with three children. After death of the petitioner's grandmother on 29.01.1995, the petitioner made an application to the respondents seeking legal heir certificate of his grandmother. However, considering the strange position of the petitioner's family, the same was not considered by the respondents. Therefore, the petitioner made a representation on 21.10.2024 in this regard. Since the same was also not considered by the respondents, this writ petition came to be filed.

5. The learned Government Advocate appearing for the official respondents submitted that legal heir certificate can be issued, only if the same is applied in online portal of the third respondent office.



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6. Per contra, the learned counsel appearing for the petitioner submitted that since the petitioner is seeking legal heirship certificate of his grandmother in respect of the legal heirs through the second husband, the respondents have not considered his application. Now, the petitioner made an application / representation dated 21.10.2024 seeking legal heirship certificate including all the legal heirs of his deceased grandmother.

7. 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 the respondent 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 made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

8. In view of the same, considering the strange nature of the petitioner's family, this Court hereby direct the first respondent to consider the petitioner's representation dated 21.10.2024 and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of copy of this order.



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9. With the above direction, the Writ Petition stands allowed. There shall be no order as to costs.

15.11.2024

NCC : Yes / No
Index : Yes / No
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TO:-

1. The Tahsildar,
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Aundipatti, Theni District.
2. The Revenue Inspector,
Rajadhani,
Aundipatti Taluk, Theni District.
3. The Village Administrative Officer,
Balakombai Group,
Aundipatti Taluk, Theni District.



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L.VICTORIA GOWRI, J.

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Order made in
W.P.(MD)No.27329 of 2024

Dated
15.11.2024