



W.P.(MD)No.28424 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 28.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.28424 of 2024

Palanisamy

... Petitioner

Vs.

The Tahsildar,
Thottiyam Taluk,
Trichy District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to issue legal heir certificate to the petitioner's deceased father Kandasamy, by considering the petitioner's representation dated 11.11.2024.

For Petitioner	: Mr.T.Leninkumar
For Respondent	: Mr.D.S.Nedunchelian Government Advocate

ORDER

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

2.This Writ Petition is filed, seeking to direct the respondent to issue legal heir certificate to the petitioner's deceased father Kandasamy,



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considering the petitioner's representation dated 11.11.2024.

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3.The petitioner is the younger son of his parents Kandasamy and Lakshmi Ammal @ Rachayee Ammal. Other than the petitioner, they have two daughters namely, Kanagarathinam and Padmavathy. The petitioner's mother pre-deceased his father on 04.12.2014 and his father Kandasamy passed away on 27.01.2019. They are survived by three children including the petitioner. Under such circumstances, on 11.11.2024, the petitioner has sent a representation to the respondent requesting to issue legal heir certificate. However, the same was not considered. Hence, this Writ Petition is filed.

4.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondent and carefully perused the entire materials available on record.

5.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



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Article 226 of the Constitution of India.

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6.In view of the above, this Court hereby direct the respondent to consider the petitioner's representation dated 11.11.2024 and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of copy of this order.

7.Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

28.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

The Tahsildar,
Thottiyam Taluk,
Trichy District.



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L.VICTORIA GOWRI, J.

Mrn

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