



W.P.(MD).No.28903 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.28903 of 2024

Arivarasu Pandian

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

2.The Tahsildar,
Peraiyur Taluk Office,
Peraiyur,
Madurai District.

3.N.Muthu

4.Seeniyammal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to dispose the appeal in Oo.Mu.No. 1905/2023/A3 dated 22.05.2023 fixed by the petitioner in a time bound manner.

For Petitioner : Mr.V.Malaiyendran

For R-1 & R-2 : Mr.S.Kameswaran,
Government Advocate



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For R-2 & R-4 : Mr.S.Balaji

ORDER

By consent of both the parties, this writ petition is taken up for final hearing at the admission stage itself.

2.This Writ petition is filed seeking to direct the 1st respondent to dispose the appeal in Oo.Mu.No. 1905/2023/A3 dated 22.05.2023 fixed by the petitioner in a time bound manner.

3.Heard the learned counsels on either sides and carefully perused the materials available on record.

4.The petitioner's uncle, Late K.S. Perumal Thever and his wife, Late Rajammal, were living without any children. On 01.07.2018, the petitioner's uncle, K.S. Perumal Thevar, passed away. Subsequently, his wife Rajammal also passed away on 20.09.2015. The petitioner's younger brother, Mr. Muthu/3rd respondent and his mother-in-law, Mrs. Seeniammal/4th Respondent falsely claimed that one Mrs. Chinna Veerammal was the



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second wife of Late.K.S. Perumal Thevar and they obtained a fraudulent legal heir certificate from the 2nd respondent stating that Chinna Veerammal was the second wife of Late K.S. Perumal Thevar. Mrs. Chinna Veerammal has also passed away. During her illness, the petitioner's brother, Mr. Muthu/3rd respondent used the fraudulent legal heir certificate to transfer certain properties belonging to Late.K.S. Perumal Thevar to his name. Hence, the petitioner made a petition to the 1st respondent/Revenue Divisional Officer of Usilampatti, requesting the cancellation of the fraudulent legal heir certificate. The 1st respondent has taken the matter into consideration and instructed the 2nd respondent to take appropriate action regarding the false claims made in obtaining the legal heir certificate Vide proceedings. 1905/2023/3 dated 22.05.2023. Since the same was not acted upon so far, the present writ petition came to be filed.

5.It is needless to point out that whenever an appeal 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 appeal made to the Statutory Authority would amount



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to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6.Considering the limited scope of the relief sought for by the petitioner herein, this Court hereby direct the 1st respondent to dispose the appeal filed by the petitioner and pass appropriate orders in accordance with law after giving opportunity of hearing to the petitioner as well as the respondents 3 and 4 within a period of four (4) weeks from the date of receipt of a copy of this order.

7.Accordingly, this writ petition stands disposed of. No costs.

03.12.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

Sml

To

1.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

2.The Tahsildar,
Peraiyur Taluk Office,
Peraiyur, Madurai District.



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L.VICTORIA GOWRI, J.

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