



WEB COPY



W.P.No.39005 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.39005 of 2024

K.Ravendran

.... Petitioner

Vs

1.Revenue Divisional Officer
Coimbatore North,
Goundampalayam,
Coimbatore.

2.Sankar

.... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to dispose the petitioner's representation dated 19.03.2024 in Na.Ka 5944/2022/A2 issued by the 1st respondent on merits within the time frame fixed this Court.

For Petitioner : Ms.R.Saritha

For R1 : Mr.M.R.Gokul Krishnan
Additional Government Pleader



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ORDER

This Writ Petition has been filed seeking a mandamus directing the first respondent to dispose of the petitioner's representation.

2. It is the case of the petitioner that he had a close family friend, one Selvaraj. The petitioner had extended medical help and financial help to the said Selvaraj particularly during the time of his wife Rangammal's illness and she had ultimately succumbed to her illness. The said Selvaraj was also taken care of by the petitioner till his death. During his life time, the said Selvaraj had submitted a petition regarding the inclusion of a name in the succession certificate, by giving false information. In the said petition, the said Selvaraj had stated that one Sankar, viz., the second respondent, who had been employed in their house, utilising his close proximity to the said Selvaraj, had been stealing money from their house and the said Sankar's landlord also harassed the said Selvaraj's wife asking for the property. This harassment resulted in the said Selvaraj's wife becoming



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bedridden. Taking advantage of the said Rangammal's ill-health, the said Sankar and his child had entered the house. The said Selvaraj's wife died on 14.05.2021 and the said Sankar had taken away 60 sovereigns of the said Selvaraj's wife besides silverware and household items. He has also managed to have his name in the succession certificate without the knowledge of the Selvaraj, hiding the truth and giving false information. With these allegations, the said Selvaraj had prayed for removal of the Sankar's name from the succession certificate.

3. Since the petitioner was taking care of Selvaraj, the said Selvaraj had executed a Will dated 16.04.2022, bequeathing the property in favour of the petitioner and had clearly stated that Sankar had no share in the property as he was not a legal heir. The said Selvaraj had filed two complaints with the first respondent during his life time, and the first respondent has also issued summons for an enquiry. The second respondent, Sankar, did not attend the enquiry. Despite this, the first respondent did not proceed with the enquiry. Since the said Selvaraj had died, the petitioner is continuing with the



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complaint. Therefore, the petitioner has come forward with this writ petition seeking a mandamus to dispose of the representation submitted by him on 19.03.2024.

4. Heard the learned counsels and perused the records.

5. Taking into account of the fact that the complaints filed by the Testator, Selvaraj, with the first respondent on 19.09.2022 and on 09.11.2023., based upon which an enquiry was held by the first respondent and as a legatee of the said Selvaraj, the petitioner had renewed the representation on 19.03.2024, has not been taken into consideration. It clearly demonstrates that the first respondent has failed to discharge his statutory duty.

6. Therefore, a mandamus is issued to the first respondent to dispose of the representation given by the petitioner on 19.03.2024 within a period of four weeks from the date of receipt of a copy of this order.



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7. With the above direction, this writ petition stands allowed. No costs.

03.01.2025

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking order
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To

The Revenue Divisional Officer,
Coimbatore North,
Goundampalayam,
Coimbatore.



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P.T. ASHA, J.

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