



W.P.(MD)No.3934 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.3934 of 2025

Madasamy

... Petitioner

-VS-

1.The District Collector,
District Collector Office,
Thenkasi District.

2.The Thasildar,
Taluk Office,
Thiruvengadam,
Thenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to issue a legal heir certificate to the petitioner's deceased father namely, Karuppasamy, son of Ayyanar, based on the petitioner's representation dated 22.04.2024 and subsequent representation dated 17.01.2025, within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.P.Ponraj

For Respondents : Mr.C.Venkateshkumar
Special Government Pleader



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ORDER

The prayer sought for herein is for a writ of mandamus, directing the second respondent to issue a legal heirship certificate to the petitioner, based on his representation, dated 22.04.2024 and the subsequent representation, dated 17.01.2025.

2. With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner submits that his father, A.Karuppasamy was married to one Vasantha (also known as Ayyammal) and from the said marriage, the petitioner was born to them and no other issue except the petitioner. He further submits that the petitioner's father entered into a second marriage with one Annapakiyam during the lifetime of his first wife without obtaining divorce. From the said second marriage, four sons and one daughter were born to the petitioner's father and his second wife.



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4. The petitioner further submits that his father passed away on 16.04.2017.

Thereafter, he made a representation to the second respondent on 22.04.2024, requesting to issue legal heirship certificate. Since no action has been taken, he has made another representation to the respondents on 17.01.2025. Despite passage of several months, the petitioner has not received any response or action from the respondents. Hence, the present Writ Petition.

5. Heard both sides.

6. 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 him 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 by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.



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7. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representations dated 22.04.2024 and 17.01.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of three weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the second respondent to consider the same on its own merits.

8. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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