



W.P.(MD)No.4432 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.4432 of 2025

R.Jeyalakshmi

... Petitioner

-VS-

State Represented by,
The Thashildhar,
Dindigul East Taluk Office,
Dindigul, Dindigul District - 624 003.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to issue fresh legal heirs certificate by incorporating the petitioner's brother C.Pragalathan's name as one of the legal heir of her deceased father Chinnasamy based on her representation, dated 01.09.2024, within the stipulated time limit as fixed by this Court.

For Petitioner : Mr.A.Prasanna Rajadurai

For Respondent : Mr.K.S.Selvaganesan
Additional Government Pleader



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ORDER

This Writ Petition has been filed seeking a direction to the respondent to issue fresh legal heirship certificate, by incorporating the petitioner's brother C.Pragalathan's name as one of the legal heirs of her deceased father Chinnasamy, based on her representation, dated 01.09.2024.

2. With the consent of both sides, this Writ Petition is disposed of, at the admission stage itself.

3. According to the petitioner, after the demise of her father, her brother Gurumoorthi and her sisters Lakshmi and Parvathi with a *mala fide* intention to seize her brother Pragalathan's share, intentionally suppressed his name and applied for a legal heirship certificate for her father, which was fraudulently obtained on 01.07.2019. Subsequently, they sold several immovable properties belonging to her father. Therefore, the petitioner submitted a representation to the respondent on 01.09.2024. However, since no tangible action has been taken by the respondent, the petitioner has now filed the present Writ Petition



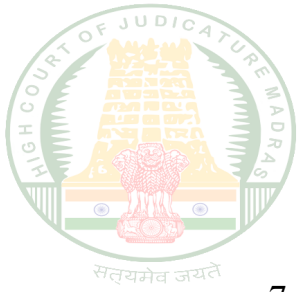
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4. Heard both sides.

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 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 the India and direct them to consider the same within a stipulated time.

6. In the light of the above observations, there shall be a direction to the respondent herein to consider the petitioner's representation dated 01.09.2024, 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 four 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 respondent to consider the same on its own merits.



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

NCC : Yes / No

19.02.2025

Index : Yes / No

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To:-

The Tahsildar,
Dindigul East Taluk Office,
Dindigul, Dindigul District - 624 003.



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VIVEK KUMAR SINGH, J.

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