

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

WP(C).No. 3108 of 2015 (K)

PETITIONER:

**SHARMILA.V., AGED 43 YEARS,
W/O. LATE C P NARAYANANKUTTY,
OTTAPALAM TALUK, PALAKKAD DISTRICT.**

BY ADV. SRI.R.SREEHARI

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM 695001.**
- 2. THE TAHASILDAR, TALUK OFFICE,
OTTAPALAM 679 101.**
- 3. THE VILLAGE OFFICER, AMBALAPARA II VILLAGE,
AMBALAPARA POST, PALAKKAD DISTRICT 679512.**
- 4 C.P. SANKUNNI EZHUTHASSAN, 77 YEARS,
FATHER OF LATE C P NARAYANANKUTTY,
PARAMBIL HOUSE, KADAMBUR POST,
OTTAPALAM TALUK, PALAKKAD DISTRICT, PIN: 679515**
- 5 MOOKAMBIKA, 67 YEARS,
W/O. C.P. SANKUNNI EZHUTHASSAN,
PARAMBIL HOUSE, KADAMBUR POST,
OTTAPALAM TALUK, PALAKKAD DISTRICT, PIN: 679515**

BY SR. GOVERNMENT PLEADER SRI. K.C. VINCENT.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
02-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- EXT.P1. : PHOTOCOPY OF THE MARRIAGE CERTIFICATE DT. 23.11.1995
ISSUED BY AMBALAPARA GRAMA PANCHAYAT.
- EXT.P2. : PHOTOCOPY OF THE DEATH CERTIFICATE OF
C P NARAYANANKUTTY ISSUED BY THE REGISTRAR OF
BIRTHS & DEATHS, OTTAPALAM MUNICIPALITY DATED
03.11.2011.
- EXT.P3. : PHOTOCOPY OF LEGAL HEIRSHIP CERTIFICATE OF
C P NARAYANANKUTTY ISSUED BY THE 2ND RESPONDENT
DATED 03.04.2012.
- EXT.P4. : PHOTOCOPY OF THE DECISION REPORTED IN 2015(1) KLT 191

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

DST

C.K. ABDUL REHIM, J.

W.P.(C)No.3108 of 2015

Dated this the 2nd day of February, 2015

JUDGMENT

The petitioner is seeking direction to the 2nd respondent to effect correction in Ext.P3 Legal Heirship Certificate, to the extent of removing the name of father of the deceased person from the list of legal heirs. Contention is that, as per provisions of the Hindu Succession Act 1956, father of the deceased person is not a legal heir, since the deceased person is survived by his mother and wife, according to Section 8 of the said Act. Learned counsel for the petitioner relies on a decision of this court in **Subramanian v. District Collector [2015 (1) KLT 191]**, wherein this court directed the Tahsildar concerned to issue corrected Legal Heirship Certificate in accordance with provisions of the Act by removing the name of wrong persons included.

2. Heard; Government Pleader appearing on behalf of respondents 1 to 3. Considering the nature of relief

proposed to be granted, issuance of notice to respondents 4 and 5 is not necessary. This court is of the opinion that the petitioner can be relegated to the 2nd respondent to seek appropriate correction in Ext.P3 Legal Heirship Certificate.

3. If the petitioner approaches the 2nd respondent with an application seeking correction of Ext.P3 certificate, the 2nd respondent shall consider the demand after affording an opportunity of personal hearing to the 4th respondent. If it is found that Ext.P3 is liable to be corrected, steps shall be taken for issuing corrected certificate, after complying with all the requisite procedural formalities.

If the petitioner approaches the 2nd respondent with an application as directed above, along with production of a certified copy of this judgment, the matter shall be dealt with by the 2nd respondent at the earliest, at any rate within a period of one month from the date of receipt of such application.

**Sd/- C.K. ABDUL REHIM
JUDGE**