

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

WP(C).No. 38363 of 2015 (U)

PETITIONER:

**SAROJINI AMMA, W/O.KRISHNA PILLAI,
SURESH MANDIRAM, EDANAD P.O.,
MEENADU VILLAGE, KOLLAM TALUK.**

BY ADV. SRI.B.MOHANLAL

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695 001.**
- 2. THE TAHSILDAR,
TALUK OFFICE, KOLLAM-691 001.**
- 3. THE VILLAGE OFFICER,
MEEAND VILLAGE, MEENAD P.O.,
CHATHANNOOR, KOLLAM, PIN - 691 572.**
- 4. THE SUPERINTENDENT OF RE-SURVEY,
RE-SURVEY SUPERINTENDENTS OFFICE,
VAIKOM P.O., KOTTAYAM DISTRICT, PIN - 691 579.**
- 5. SMT.RANI, D/O.SASIDHARAN, A.R.BHAVAN,
CHATHANNOOR, KARAMCODE P.O.,
KOLLAM, PIN - 691 579.**

R1 TO R4 BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1. THE TRUE COPY OF THE MEDICAL CERTIFICATE DATED 6/8/2014
ISSUED BY THE KERALA INSTITUTE OF MEDICAL SCIENCES.
- EXT.P2. THE TRUE COPY OF THE MEMORANDUM OF ORIGINAL PETITION
DATED 27/10/2014 ON THE FILES OF THE FAMILY COURT, KOLLAM.
- EXT.P3. THE TRUE COPY OF THE DEATH CERTIFICATE OF SURESH KUMAR
ISSUED BY THE CORPORATION OF THIRUVANANTHAPURAM.
- EXT.P4. THE TRUE COPY OF THE APPLICATION SUBMITTED BY GIRISH KUMAR
UNDER THE SCHEME FOR COMPASSIONATE EMPLOYEMENT OF
DEPENDENTS OF GOVERNMENT SERVANTS DYING-IN-HARNES.
- EXT.P5. THE TRUE COPY OF THE APPLICATION DATED 12/1/2015 SUBMITTED BY
THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXT.P6. THE TRUE COPY OF THE REPORT SUBMITTED BY THE VILLAGE
OFFICER AND OBTAINED BY THE PETITIONER UNDER RIGHT TO
INFORMATION ACT.
- EXT.P7. THE TRUE COPY OF THE COMMUNICATION NO.A2-549/14 DATED
9/9/2015 ISSUED TO THE PETITIONER'S SON GIRISH KUMAR BY THE
RE-SURVEY SUPERINTENDENT VAIKOM.
- EXT.P8. THE TRUE COPY OF THE ORDER DATED 28/2/2015 OF THE
2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.38363/2015**

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Dated this the 17th Day of December, 2015

J U D G M E N T

The petitioner has approached this Court on account of the rejection of the application for legal heirship certificate by the Tahsildar. The Tahsildar rejected the application stating that there is a dispute between the mother and wife of the deceased. Therefore, the legal heirship certificate cannot be issued. The petitioner is the mother and the fifth respondent is the wife.

2. This Court is of the view that the Tahsildar has a duty to issue legal heirship certificate after conducting an enquiry and based on the personal law applicable to the parties. Therefore, the Tahsildar is directed to conduct an enquiry in accordance with the personal law applicable to the parties and after hearing the parties need shall be done within one month. In view of the above, the impugned order is set aside.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE