

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2015

C O R A M :

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No.7120 of 2014

1.Kannammal
2.Rampayee
3.Jeeva
4.Narasimman
5.Ramani

..Petitioners

/vs/

1.The District Collector,
Collectorate,
Sathuvachari,
Vellore.

2.The Thasildar,
Taluk Office,
Walaja Taluk,
Vellore District.

3.The Village Administrative Officer,
Venkatapuram Village and Post,
Wallaja Taluk,
Vellore District.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to consider the petitioners representation dated 11.02.2014 and further direct the second respondent to give a legal heir certificate to the petitioners that they are the legal heirs of deceased Ethiraju Naidu.

For Petitioners :Mr.A.Gouthaman

For Respondents :Mr.P.SanjayGandhi
Additional Government Pleader

ORDER

Seeking issuance of legal heir certificate, the petitioners made a representation to the second respondent dated 11.02.2014. As no order has been passed, the present writ petition has been filed.

2. The learned counsel for the petitioners submitted that the legal heir certificate has not been given on the ground that no complaint has been given with respect to the missing member of the family. He further submitted that the said person has been missing before 25 years. He also submitted that on that score, the respondent can adjudicate the issue in giving legal heirs certificate.

3. This Court finds, upon considering the submissions made by the learned counsel appearing for the petitioners, if the person is missing, then the respondents will have to conduct an enquiry and thereafter, issue the legal heir certificate as per law. There is a presumption available in the Indian Evidence Act. Such a presumption is based on the enquiry and the second respondent can either to include or delete the name of the person, who is said to be missing instead of rejecting the request in total. Thus, a direction is issued to the second respondent to consider the representation of the petitioner dated 11.02.2014, conduct the enquiry and then, issue the legal heirs certificate, within a period of four weeks, from the date of receipt of a copy of this order. No costs. Accordingly, the writ petition is disposed of.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

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To

1.The District Collector,
Collectorate,
Sathuvachari,Velore.

2.The Thasildar,
Taluk Office,
Walaja Taluk,Vellore District.

3.The Village Administrative Officer,
Venkatapuram Village and Post,
Walaj Taluk,Vellore District.

1 cc to Mr.A. Gouthaman, Advocate, Sr. 42762
1 cc to Government Pleader, Sr. 42775

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KSJ (CO)
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