

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.24414 of 2015

K.Vijaya, W/o T.R.Krishnan

.. Petitioner

Vs.

1. The Commissioner of Municipality,
Komarapalayam, Thiruchengode Taluk,
Namakkal District.

2. Thasildar,
Komarapalayam Municipality, Thiruchengode Taluk,
Namakkal District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the second respondent to consider the petitioner's application, dated 25.09.2014 to issue Death Certificate of the petitioner's husband, viz., T.R.Krishnan, by the Thasildhar, Komarapalayam Municipality, Thiruchengode Taluk, Namakkal District, in accordance with law.

For Petitioner .. Mr.C.D.Johnson

For Respondents .. Mr.P.Srinivas for R-1

Mr.Digvijay Pandian, Addl.G.P. for R-2

ORDER

The petitioner being the wife of one T.R.Krishnan (since deceased), sent a representation to the respondents on 25.09.2014 seeking for issuance of a Legal Heriship Certificate and as the same has not been considered, she earlier filed W.P.No.31010 of 2014 for issuance of a Writ of Mandamus, to direct the second respondent-Tahsildar to dispose of the said representation. This Court, by order dated 27.11.2014, passed the following order in the said W.P.No.31010 of 2014:

"4. Considering the limited nature of the prayer sought and without expressing any opinion on the merits of the case, the writ petition is disposed of with a direction to the second respondent to consider the representation of the petitioner dated 25.9.2014 on merits and if the petitioner is the legally wedded wife of the said T.R.Krishnan, take appropriate action in accordance with law and issue the legal heirship certificate, within a period of four weeks from the date of receipt of a copy of this order. No costs."

2. It appears that despite the above said order of this Court, no orders are passed on the said representation. It is seen that, in the meanwhile, the petitioner's daughter Adhilakshmi gave a representation, dated 29.06.2015 to the authority concerned, seeking for registration of the death of the petitioner's husband (i.e. the father of the said Adhilakshmi) and thereby, to issue the Death Certificate, pursuant to which, the first respondent, vide notice/intimation, dated 01.07.2015, requested the Inspector of Police, Komarapalayam to conduct enquiry over the death of the said T.R.Krishnan (petitioner's deceased husband) and submit a report, based upon which, it is observed that the request of the daughter of the petitioner will be considered. Since the matter is pending at this stage, the petitioner has no other option except to file the present Writ Petition in W.P.No.24414 of 2015.

3. It is to be noticed that in the present Writ Petition, the petitioner seeks for a mandamus to direct the second respondent-Tahsildar to consider her representation/application, dated 25.09.2014 seeking for issuance of the Death Certificate in respect of her deceased husband, though the said representation dated 25.09.2014 is filed before the second respondent for issuance of the Legal Heirship Certificate.

4. Be that as it may, without going into the merits of the case, the present Writ Petition is disposed of, with a direction to the second respondent-Tahsildar to take on file the above said representation dated 25.09.2014, act according to the instructions of the first respondent-Commissioner of Municipality, and give a quietus to the matter by passing appropriate orders, on merits and in accordance with law, after giving an opportunity of hearing to the petitioner, her daughter and other aggrieved parties, if any, and also take into consideration the Police report, if any on the issue and dispose of the said representation dated 25.09.2014 once and for all, without any further delay, at any rate, within a period of six weeks from the date of receipt of a copy of this order or within a period of six weeks from the date of production of a copy of this order by the petitioner, who shall enclose a copy of the above said representation dated 25.09.2014 along with a copy of the earlier order dated 27.11.2014 in W.P.No.31010 of 2014. It is also made clear

that the respondents shall scrupulously abide by the earlier of this Court, dated 27.11.2014 in W.P.No.31010 of 2014 and pass orders on the said representation, dated 25.09.2014, uninfluenced by any of the observations made in the present Writ Petition. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

cs

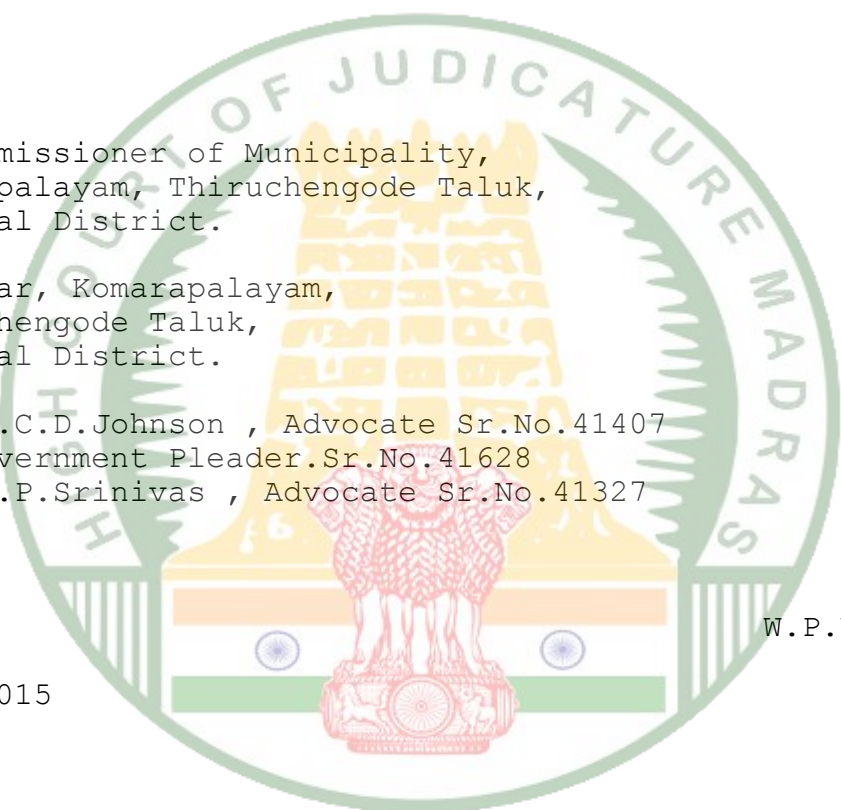
Copy to

1. The Commissioner of Municipality,
Komarapalayam, Thiruchengode Taluk,
Namakkal District.
2. Thasildar, Komarapalayam,
Thiruchengode Taluk,
Namakkal District.

- 1 cc to Mr.C.D.Johnson , Advocate Sr.No.41407
1 cc to Government Pleader.Sr.No.41628
1 cc to Mr.P.Srinivas , Advocate Sr.No.41327

kv(co)
pmk.26.8.2015

W.P.No.24414 of 2015



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