

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.19442 of 2016

D.Balachandar

..

Petitioner

Vs.

1.The Secretary of the State  
State of Tamil Nadu  
Revenue Department  
Fort St George, Chennai 09.

2.The Tahsildar  
Kundrathur BDO  
Sriperumbudur Taluk  
Tiruvallur Road, Sriperumbudur  
Kancheepuram District 602105.

..

Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 2<sup>nd</sup> respondent to consider the representation dated 25.02.2016 and consequently, issue the desertion certificate and legal heir certificate within the time frame fixed by this Court.

For Petitioner : Mr.S.Q.Yusuf

For Respondents : Mr.R.Govindasamy, Spl.GP

O R D E R

By consent, the writ petition is taken up for final disposal.

2 The petitioner claims that his mother, viz., Bhuvaneswari, wife of [late] Dhanasekar, was elected as a Ward Member of Gerugambakkam Town Panchayat and she got sworn as the Ward Member of the said Town Panchayat on 25.10.2006 and was discharging her public duties. She went missing from 24.01.2008 onwards and in this regard, the petitioner has lodged a complaint on the file of T14 Mangadu Police Station, based on which, a case in Crime No.88/2008 was registered on 02.02.2008 for "woman missing". The said Police Station has also issued a Pamphlet calling for information as to the missing petitioner's mother and so far, nothing has been fructified and the case is pending investigation for the past 9 years. The petitioner

would submit that since his mother went missing as early as on 24.01.2008 and was not traceable for the past 9 years, she should be declared as dead and therefore, approached the 2<sup>nd</sup> respondent by means of a representation dated 25.02.2016, praying for issuance of "Desertion Certificate" and "Legal Heir Certificate" and since no orders are passed, he is constrained to approach this Court by filing this writ petition.

3 Heard the learned counsel for the petitioner and Mr.R.Govindasamy, learned Special Government Pleader who accepts notice on behalf of the respondents.

4 Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in the writ petition, directs the 2<sup>nd</sup> respondent, viz., The Tahsildar, Alandur Taluk [previously Sriperumbudur Taluk], Kancheepuram District, to consider and dispose of the petitioner's representation dated 25.02.2016 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

5 The writ petition is disposed of with the above direction. No costs.  
AP

-s/d-

Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1.The Secretary of the State  
State of Tamil Nadu,  
Revenue Department  
Fort St George, Chennai 09.

2.The Tahsildar  
Kundrathur BDO  
Sriperumbudur Taluk  
Tiruvallur Road, Sriperumbudur  
Kancheepuram District 602105.

+ 1 cc to M/s.Nathan and Associates, Advoate SR 31032

+ 1 cc to Govt.Pleader SR 31546

rsi(co)  
prk24/6

W.P.No.19442 of 2016