

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.09.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.31514 of 2016

S.Abilash Srinivas .. Petitioner

Vs.

The Tahsildar,
Nellikuppam Village,
Thirupporur Taluk. ... Respondent

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondent to forthwith issue appropriate Legal Heirship Certificate based on the documents as produced and that of the Enquiry Report of the Revenue Inspector and Village Administrative Officer along with the representation from the local general public without reference to the proceedings made in Na.Ka.No.556/2016/A4 dated 09.06.2016 and without insisting upon the registration in Tamil Nadu.

For Petitioner : Mr.L.Chandrakumar

For Respondent : Mr.A.N.Tahmbidurai
Spl. Government Pleader

ORDER

This Writ Petition has been filed aggrieved against the clarification sought by the Tahsildar for issue of Legal Heir Certificate.

2. According to the petitioner, his father has died in Sultanate of Oman on 15.06.2015. It was registered before the Embassy of India in Sultanate of Oman and they have issued a certificate of death and registered it on 15.06.2015. Thereafter, body was sent to India through the Indian Embassy. After the body was brought to India, the body was cremated in Coimbatore and for the cremation done at Coimbatore, the cremation certificate has also been issued by the Coimbatore Corporation. Thereafter, the authorities have conducted enquiry for issue of legal heirship certificate.

3. The present impugned Order is to once again to register the death of the petitioner's father with the Tamilnadu Registration Department. According to the petitioner, as per

Section 20(1) of the Registration of Birth and Death Act, if a registration of death is made before the Indian consulate or Sultanate of Oman, he need not re-register in India. Pursuant to the section 20(1), the clarification as sought by the Tahsildar is not at all required and it is superfluous. Therefore, the petitioner seeks necessary direction to the respondent for issue of legalheir certificate to the petitioner.

4. The learned counsel for the respondent would submit that the respondent has only sought for clarification in the Order.

5. The fact remains that the death of the father of the petitioner has been duly recorded by the Indian Embassy and it has been duly registered as early as on 15.06.2015 and death certificate has also been issued. Thereafter, the body was brought to India through Indian Embassy and the cremation has been done in Coimbatore and Cremation Certificate has also been produced. Thereafter, the Village Administrative Officer has enquired and has given report. Hence, as per Section 20(1) of the Registration of Birth and Death Act, the second registration in India is not at all required, when it is duly registered in Indian Embassy.

6. In such view of the matter, this Court directs the respondent to issue legalheir certificate to the petitioner in accordance with law as expeditiously as possible, preferably within a period of one month from the date of receipt of a copy of this Order and the Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To

The Tahsildar,
Nellikuppam Village,
Thirupporur Taluk.

+1 cc to Mr.L.Chandrakumar, advocate, sr.52067.

+1 cc to Govt.Pleader, sr.51620.

svi(co)
krd 23/9

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