

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2016

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.38404 of 2016

K.Yasotha

... Petitioner

Versus

1. The Tahsildar
Palladam Taluk
Palladam
Thiruppur District.

2. The Revenue Inspector
Palladam Sub-Taluk
Palladam
Thiruppur District.

3. The Village Administrative Officer-cum-
Registrar of Birth and Death
18 Palladam Village
Palladam, Thiruppur District.

... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, to direct the second respondent to consider the petitioner's application dated 31.08.2016 and to issue a legal heirs certificate after due verification and on the basis of the unshakable evidence of documents produced before them without insisting the petitioner to approach the Civil Court.

For Petitioner: Mr.S.Kumaradevan

For Respondents: Mr.A.N.Thambidurai,
Special Govt. Pleader

ORDER

The petitioner has filed the present writ petition seeking a direction to the second respondent to consider the application submitted by her on 31.08.2016 and to issue a legal heir certificate to her, after due verification and on the basis of the unshakable evidence of documents produced before them, without insisting her to approach the Civil Court.

2. The petitioner herein is the wife of R.Kuppasamy, who died on 23.07.2016. The deceased R.Kuppasamy is survived by his wife, namely, the petitioner, his son K.Abishek Suriyanarayanan and his widowed mother R.Pappammal. The deceased was employed as a Head Clerk at the District Consumer Disputes Redressal Forum at Erode. In order to claim the gratuity, pension and other welfare benefits of the deceased R.Kuppasamy, the petitioner applied for a legal heir certificate to the first respondent through the second and third respondents and she produced the Death Certificate of her husband, besides the death certificate of her father-in-law, namely, Mr.Rangasamy. Apart from that, she produced the Nomination Form of the Tamil Nadu Government Employee's Special Provident Fund cum Gratuity Scheme and Ration Card. Now, the grievance of the petitioner is that without conducting any inquiry either by the Village Administrative Officer or anybody else, the first respondent has summarily returned the application. Therefore, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner submits that even though the petitioner submitted the application along with the statements given by her neighbours and the Nomination Form of the Tamil Nadu Government Employee's Special Provident Fund cum Gratuity Scheme, the respondents without conducting any inquiry simply returned the application stating that the petitioner can approach the Court to obtain the legal heir certificate. Now, the petitioner is ready to produce evidence to establish her case before the first respondent. Hence, the first respondent may be directed to issue a legal heir certificate to the petitioner after due verification.

4. The learned counsel for the respondent would only contend that the authority concerned will consider the application of the petitioner, if necessary records are produced.

5. Considering the above said statement, the petitioner is directed re-submit the application seeking a legal heir certificate before the first respondent, within seven days from the date of receipt of a copy of this order and on receipt of such application, the first respondent is directed to consider the application and pass appropriate orders thereon, on merits and in accordance with law, after giving sufficient opportunity to the petitioner, within a period of two months thereafter.

6.With the above direction, the present writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Tahsildar
Palladam Taluk
Palladam
Thiruppur District.
2. The Revenue Inspector
Palladam Sub-Taluk
Palladam
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3. The Village Administrative Officer-cum-
Registrar of Birth and Death
18 Palladam Village
Palladam, Thiruppur District.

+lcc to M/S.S.Kumaradevan, Advocate Sr.63448
+lcc to the Government Pleader sr.63933

सत्यमेव जयते

W.P.No.38404 of 2016

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srg 08/12/2016

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