



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.18965 of 2016

WEB COPY

Sumathi @ Backiyalakshmi

... Petitioner

vs.

1)The District Collector,
Collectorate, Theni District.

2)The Tahsildar,
Taluk Office,
Uthamapalayam Taluk,
Uthamapalayam,
Theni District.

3)The Tahsildar,
Taluk Office,
Periyakulam Taluk,
Periyakulam,
Theni District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to provide the 'No Re-Marriage Certificate' and a legal heir certificate containing the list of legal heirs to the petitioner's husband by name K.Pethanasamy, who worked as the Secondary Grade Teacher and found to be missing from 14.08.2004 while in service and was declared to be a civil death by the competent civil Court for obtaining the retirement benefits due to the petitioner's husband.

For Petitioner : Mr.T.Lajapathi Roy

For R1 to R3 : Mr.T.S.Mohammed Mohideen

Additional Government Pleader

ORDER

The petitioner's husband who was working as Secondary Grade Teacher in the 4th respondent school from the year 2012 onwards, was found missing from 14.08.2004; the Civil Court in O.S.No.76/12 declared the civil death of the petitioner's husband; thereafter, in W.P(MD)No.23261 of 2015 dated 04.02.2016, this Court issued a direction to pay family pension and other benefits to the petitioner within three months from the date of receipt of the order; thereafter, when the petitioner applied for legal heirship certificate to the 2nd respondent, it was declined on the ground that the deceased was not residing within the jurisdiction of the 2nd respondent; therefore, the application for issuance of legal heirship certificate was forwarded to the 3rd respondent; as the 3rd



respondent has not yet issued the legal heirship certificate, the petitioner has filed this writ petition to direct the respondents to issue 'No Re-Marriage Certificate' and a legal heirship certificate containing the list of legal heirs to the petitioner's husband by name, K.Pethanasamy, who worked as a Secondary Grade Teacher and found to be missing from 14.08.2004 while in service and was declared to be a civil death by the competent Civil Court for obtaining the retirement benefits due to the petitioner's husband.

2.The learned Additional Government Pleader appearing for the 3rd respondent would submit that it is agreeable for the 3rd respondent to consider the representation of the petitioner dated 04.08.2016 and to pass orders.

3.Recording the above submission, this Writ Petition is disposed of directing the 3rd respondent to consider the representation of the petitioner dated 04.08.2016 in the light of what is stated therein and to pass appropriate orders on or before 20.10.2016. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

1)The District Collector,
Collectorate, Theni District.

2)The Tahsildar,
Taluk Office,
Uthamapalayam Taluk,
Uthamapalayam,
Theni District.

3)The Tahsildar,
Taluk Office,
Periyakulam Taluk,
Periyakulam,
Theni District.

+One cc to Mr.T.Lajapathi Roy, Advocate, SR.No.59661

+One cc to The Special Government Pleader, SR.No.59363

nbi

RL/6C/2P/GSV/PM/SAR2/13.10.2016

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