

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.33854 of 2017

T.Vijayakumari

.. Petitioner

Vs.

1.The District Collector,
Krishnagiri District,
Krishnagiri 635 001.

2.The Revenue Divisional Officer,
Hosur,
Krishnagiri District.

3.The Tahsildar,
Denkanikottah Taluk,
Denkanikottah,
Krishnagiri District.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified mandamus to call for the records relating to the proceeding of the third respondent in his office Memo O.Mu./71/2017/A2 dated 16.10.2017, quash the same and direct the respondents to correct the father's name of the deceased in the legal heir certificate issued by the third respondent on the death of the petitioner's father K.M.Thammiah, Kunthukottai Village, Denkanikottah Taluk, Krishnagiri District as "K.M.Thammiah S/o Marinalle Gowdu", instead of "K.M.Thammiah S/o. Marimalle Gowdu" and issue a fresh legal certificate within the time fixed by this Court.

For Petitioner: Mr.P.Mani

For Respondent : Mr.P.V.Selvakumar

Additional Government Pleader

O R D E R

Mr.P.V.Selvakumar, learned Additional Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition itself is taken up for final disposal at the admission stage itself.

2. The petitioner is aggrieved against the order passed by the third respondent rejecting the request of the petitioner to correct the legal heirship certificate issued in pursuant to the death of one K.M.Thammiah. The correction as sought for by the petitioner is only in respect of the name of the father of the deceased K.M.Thammiah. Instead of referring the father's name

of the deceased as Marinalle Gowdu, it is referred to in the legal heirship Certificate as Marimalle Gowdu. The third respondent refused to correct the mistake based on the death certificate produced before the third respondent by the petitioner at the time of seeking for the legal heirship certificate. Now, the petitioner submitted that after realising the mistake in the Death Certificate, he obtained fresh certificate from the competent authority viz., the Sub Registrar, Denkanikottah indicating the correct name as Marinalle Gowdu and based on the said Certificate, the third respondent may be directed to consider his request to correct the mistake in the legal heirship Certificate.

3.Perusal of the certificate issued by the Sub Registrar, Denkanikottai dated 03.05.2017 would show that the name of the deceased father as Marinalle Gowdu. Therefore, there cannot be any impediment for the third respondent to consider the request of the petitioner to correct the legal heirship certificate. Thus, this writ petition is allowed and the impugned order is set aside. Consequently, the matter is remitted back to the third respondent to consider the request of the petitioner based on the recent certificate issued by the said official on 03.05.2017, as stated supra. Such exercise shall be done by the third respondent within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector,
Krishnagiri District,
Krishnagiri 635 001.
- 2.The Revenue Divisional Officer,
Hosur,
Krishnagiri District.
- 3.The Tahsildar,
Denkanikottah Taluk,
Denkanikottah,
Krishnagiri District.

+1cc to Mr.P.Mani, Advocate SR.No.92347

+1cc to Government Pleader SR.NO.92549

sm:23.1.2018

W.P.No.33854 of 2017