

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.01.2019

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.2315 of 2019

P.Kaliappan

... Petitioner

Vs.

The Tahsildar,
Office of Tahsildar,
Madathukulam,
Tiruppur District.

... Respondent

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari Mandamus, calling for the records or impugned order dated 26.12.2018 vide proceedings in Na.Ka.No.4329/2018/Aa1 on the file of respondent and quash the same and consequently direct the respondent to issue legal heir certificate in favour petitioner.

For Petitioner : Mr.K.Myilsamy

For Respondent : Mr.V.Shanmugasundar
Special Government Pleader

O R D E R

The Writ Petition has been filed challenging the impugned order dated 26.12.2018 vide proceedings in Na.Ka.No.4329/2018/Aa1 on the file of the respondent and seeking a direction to the respondent to issue a legal heir certificate in favour of the petitioner.

2. It is the admitted case of the petitioner that his wife Devathal was missing from 20.11.2006 and a police complaint has been given and her whereabouts are not known. Hence, the petitioner had applied for legal heir certificate deeming that his wife has suffered a civil death. The said application was rejected by the respondent/Tahsildar vide impugned order directing the petitioner to approach the Civil Court.

3. There is a Circular No.11/2017 in Rc.No.RA.5(3)/180/2017 dated 09.08.2017 issued by the Principal Secretary/Commissioner of Revenue Administration, in which, general instructions were given with regard to the issuance of legal Heir Certificate. Clause 7 of the said circular says that "in case of the person treated as death who is missing for the period of 7 years or staying away from the family, the applicants have to approach the Competent Court for obtaining the legal heir certificates".

4. As the impugned order dated 26.12.2018 is passed correctly by the respondent, stating that the remedy lies only with the concerned Court, there is no reason to interfere with the same.

5. With the above observations, this writ petition stands dismissed. No costs. It is open to the petitioner to approach the appropriate Court to redress his grievance.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

av/rsi
To

The Tahsildar,
Office of Tahsildar,
Madathukulam,
Tiruppur District.

+1cc to Mr.K.Myilsamy, Advocate Sr.7695

W.P.No.2315 of 2019

srg 14/02/2019

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