



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2019

CORAM:

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI**

W.A(MD)NO.460 of 2019

R.Manikandan

:Appellant/Petitioner

.vs.

The Tahsildar,
Taluk Office,
Srirangam,
Trichy-6.

Respondent/Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.24734 of 2018, dated 03.01.2019.

Prayer in WP(MD). 24734 of 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent herein to issue death as well as legal heir certificate to petitioner's father namely A.Ramasamy in the light of his representation dated 28.9.2018 within a stipulated.

For Appellant : Mr.R.Sundar

For Respondent : Mr.VR.Shanmuganathan
Special Govt.Pleader

JUDGMENT

[Judgment of the Court was made by **K.KALYANASUNDARAM, J.**]

This Writ Appeal has been filed against the order of the learned Single in W.P(MD)No.24734 of 2018, dated 03.01.2019.

2.Heard Mr.R.Sundar, learned counsel for the appellant and Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the respondent and perused the materials placed before this Court.

3.The Writs/ Petitioner is the appellant. The Writ Petition was filed seeking issuance of a Writ of Mandamus directing the respondent to issue Death as well as the Legal Heir Certificate to



the Petitioner's father namely, A.Ramasamy in the light of his representation, dated 28.09.2018 within the time stipulated by this Court.

4.The case of the appellant is that his father had two wives and he was born through the second wife Devaki. The Petitioner would claim that his father left his house in the year 2011 and his applications for issuance of certificates were not considered.

5.The learned Single Judge by relying upon the decision of this Court in **Balambal .vs.Kannammal @ Pzhaniammal(died) and another reported in 1997(1) MLJ 181**, dismissed the Writ Petition, with an observation that the Petitioner has to approach the competent Civil Court.

6.Mr.R.Sundar, learned counsel for the Petitioner would state that the respondent is the competent authority to issue the certificate sought for by the Petitioner and the direction of the learned Single Judge to approach the competent Civil Court is not justifiable.

7.Per contra, Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the respondent would state that if the father of the Petitioner died, the respondent is the competent authority to issue the certificate as sought for by the Petitioner, but he is not the competent authority to declare the civil death of Petitioner's father.

8.In the case on hand, it is to be noted that the affidavit filed in support of the Writ Petition is bereft of particulars, since no details have been given about the fate of the first wife and second wife. It is also not clear whether the Petitioner is the only legal heir of his father. Hence, we find no reason to interfere with the order passed by the learned Single Judge.

9.In fine, the Writ Appeal stands dismissed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

vsn



To

The Tahsildar,
Taluk Office,
Srirangam,
Trichy-6.

+1CC TO MR.R.SUNDAR, Advocate Sr. No. 60496

JUDGMENT MADE IN
W.A(MD) No. 460 of 2019
11.04.2019

TR (27.04.2019) 3P 3C