



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2020

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD).No.18798 of 2020

WEB COPY

Ponnuthai

... Petitioner

Vs.

1.The Revenue Divisional Officer,
O/o. The Divisional Office,Tenkasi District.

2.The Tahsildar,
Taluk Office,Kadayanallur Taluk,
Tenkasi District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 09.11.2020 and consequently direct the 2nd respondent to issue Fresh Legal Heir Certificate of the petitioner son Late Dharmaraj by carry out the correction in old legal heir certificate dated 10.08.2017.

For Petitioner	:	Mr.V.Muthuvelan
For Respondents	:	Mr.C.Ramesh Special Government Pleader

ORDER

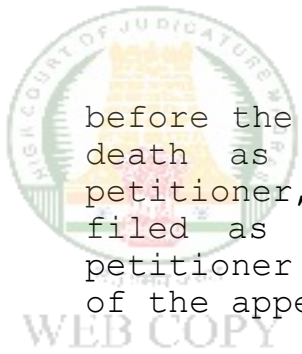
(This writ petition is heard through video conference)

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to consider the petitioner's representation dated 09.11.2020 and consequently direct the second respondent to issue fresh legal heirship certificate for the petitioner's son late Dharmaraj by carrying out the correction in the old legal heirship certificate dated 10.08.2017.

2.Heard Mr.V.Muthuvelan, learned counsel for the petitioner and Mr.C.Ramesh, learned Special Government Pleader, who accepts notice on behalf of the respondents.

3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4.The case of the petitioner is that his son Dharmaraj died in Indonesia on 24.02.2014, on account of an accident, while he was working there . Earlier, the petitioner obtained a legal heirship certificate from the second respondent on 10.08.2017, for his deceased son Dharmaraj. According to him, he came to know that there is an error in the legal heirship certificate as the date of death of his son Dharmaraj, is wrongly mentioned as 24.02.2017, instead of 24.02.2014. The petitioner has preferred an appeal



before the first respondent seeking for rectification of the date of death as 24.02.2014 instead of 24.02.2017. According to the petitioner, the appeal filed by him is still pending, which was filed as early as on 13.02.2019. In such circumstances, the petitioner has filed this writ petition seeking for early disposal of the appeal pending on the file of the first respondent.

5.The relief sought for in this writ petition is an innocuous relief. No prejudice will be caused to the respondents if the appeal filed by the petitioner seeking for correction of the date of death of his son late Dharmaraj, in the death certificate. Admittedly, the appeal is pending on the file of the first respondent.

6.For the foregoing reasons, this Court directs the first respondent to dispose of the appeal filed by the petitioner before the first respondent seeking for issuance of fresh legal heirship certificate incorporating the correct date of death of the petitioner's son Dharmaraj as 24.02.2014 instead of 24.02.2017 mentioned under the earlier legal heirship certificate issued by the second respondent and pass final orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7.With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Revenue Divisional Officer,
O/o. The Divisional Office, Tenkasi District.

2.The Tahsildar, Taluk Office, Kadayanallur Taluk, Tenkasi District.
+1 CC to Spl.Govt.Pleader, SR.No.26707.

W.P. (MD) .No.18798 of 2020
18.12.2020

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