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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2021

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THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 18053 of 2021
and
W.M.P. No. 19277 of 2021

S. Ponnusamy

.. Petitioner

Versus

- 1.The District Collector
O/o. the District Collector
Kallakurchi District
Kallakurchi
- 2.The Revenue Divisional Officer
O/o. the Revenue Divisional Officer
Kallakurchi District
Kallakurchi
- 3.The Tahsildar
O/o. the Tahsildar
Salem Main Passage
Chinna Salem - 606 201

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the 3rd respondent herein from issuing the death certificate of the deceased in the name of Kokila W/o. Dhanapal instead of Kolanjiammal W/o. Arunachalam, considering the petitioner's representation dated 26.07.2021

For Petitioner : Mr. R. Gopinath

For Respondents : Mr. G. Krishnaraja
Government Counsel



O R D E R

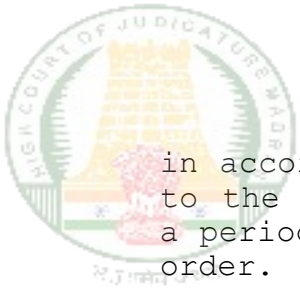
The present writ petition has been filed praying to issue a Writ of Mandamus forbearing the 3rd respondent from issuing the death certificate of the deceased in the name of Kokila W/o. Dhanapal, by considering the representation of the petitioner dated 26.07.2021

2. Mr. G. Krishnaraja, learned Government Counsel takes notice for the respondents. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner would state that he is the brother of late Dhanapal, who died on 14.12.2012 as a bachelor. The deceased Dhanapal retired as Government High School headmaster. During the lifetime of the said Dhanapal, he employed one Kolanjiammal W/o. Arunachalam as maid. After the death of the said Dhanapal, the maid Kolanjiammal W/o. Arunachalam, by manipulating the records, named herself as Kokila, suppressing her original name and claimed that she was the legal representative of the late Dhanapal., It is also claimed by Kolanjiammal that she legally married the deceased Dhanapal, which is factually incorrect. Earlier, the petitioner initiated writ proceedings before this Court in W.P. No. 8440 of 2013, which was disposed of with a direction to conduct an enquiry. The petitioner had also filed a suit in O.S.No. 75 of 2013, before the District Munsif Court, Kallakurichi for declaring him as the sole legal heir of his deceased brother, right over the properties owned by his late brother and grant permanent injunction against the said Kolanjiammal W/o. Arunachalam and the same is pending for adjudication.

4. In this circumstance, the said Mrs. Kolanjiammal died on 14.04.2021. Taking advantage of her demise, certain land grabbers are taking coercive steps to secure death certificate of the said Kolanjiammal W/o. Arunachalam in the name of Kokila W/o. Dhanapal, to usurp the properties. Hence, the petitioner preferred a complaint in Crime No. 326 of 2021 dated 23.06.2021 before the Sub-Inspector of Police, Keezkuppam Police Station, Kallakurichi and the same is pending. Simultaneously, the petitioner also sent a representation dated 26.07.2021 to the third respondent objecting to issue death certificate of the said Kolanjiammal W/o. Arunachalam in the name of Kokila W/o. Dhanapal. However, the representation dated 26.07.2021 has not been considered and orders passed thereon, hence, the present writ petition is filed.

5. In view of the limited prayer sought for in this Writ Petition, this court directs the third respondent to consider the petitioner's representation dated 26-07-2021 on merits and



in accordance with law after affording an opportunity of hearing to the petitioner and thereafter pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

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6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dhk/rsh

To

- 1.The District Collector,
O/o. the District Collector,
Kallakurchi District,
Kallakurchi.
- 2.The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Kallakurchi District,
Kallakurchi.
- 3.The Tahsildar,
O/o. the Tahsildar,
Salem Main Passage,
Chinna Salem - 606 201.

+1cc to Mr.R.Gopinath, Advocate Sr No.43951
+1cc to the Government Pleader Sr No.44261

W.P. No. 18053 of 2021

PCH (CO)
PR (06/10/2021)