



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2021

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 18863 of 2021

V. Seenivasan

.. Petitioner

Versus

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2. The Tahsildar,
Sethupattu Taluk Office,
Sethupattu,
Tiruvannamalai District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's application dated 02.07.2021 to issue legal heirship certificate of P. Velayutham and further direct him to issue legal heirship certificate without insisting "not traceable" certificate for man missing FIR.

For Petitioner : Mr. K. Kannan

For Respondents : Mr. Stalin Abhimanyu
Government Counsel

O R D E R

The prayer made in this writ petition is to issue a Writ of Mandamus directing the second respondent to consider the petitioner's application dated 02.07.2021 to issue legal heirship certificate of P. Velayutham, without insisting "not traceable" certificate, as a condition precedent for issuing such legal heir certificate.

2. According to the petitioner, during the year 1994, his father Velayutham fell sick and therefore, he left to Chennai with an idea to stay in the house of his brother Arunachalam and take treatment in Government Hospital, Chennai and accordingly, he did so. However, from 15.02.1994, the whereabouts of his father P. Velayutham is not known to the petitioner and his paternal uncle Arunachalam inspite of their diligent search. In



WEB 688

this regard, a complaint was lodged on 13.03.1994, based on which a case in Crime No. 778 of 1994 was registered under the caption 'man missing' by the Inspector of Police, C-2, Chromepet Police Station, Chennai. It is further stated that the petitioner's mother, on hearing about the missing of her husband, fell sick and eventually died in the year 1994 leaving behind the petitioner and his brother P. Dakshinamoorthy as her only legal heirs, but her death was not registered and no death certificate was obtained.

3. It is the further case of the petitioner that he approached the second respondent to issue a legal heir certificate purportedly to effect a partition of the properties left by his father, but the second respondent insisted for producing 'not traceable' certificate from the police officials where the case in Crime No. 778 of 1994. Therefore, he approached the police officials, but they could not even trace the first information report or the records connected therewith and refused to issue not traceable certificate. Subsequently, the petitioner by application dated 15.04.2021 under the Right to Information Act, requested the Superintendent of Police, Chengalpattu District to issue appropriate direction to issue a non traceable certificate based on the copy of the first information report enclosed by him. However, the Public Information Officer, St. Thomas Mount Range sent a reply dated 08.06.2021 stating that the documents sought for were very old and the same were already destroyed. Stating all those facts, the petitioner again approached the second respondent with an application dated 02.07.2021 seeking issuance of legal heir certificate without insisting not traceable certificate relating to the missing of his father, but the said application was not considered, till date. Hence, this writ petition.

4. Today, when the matter is taken up for hearing, the learned counsel for the petitioner submitted that it would suffice, if the petitioner's representation dated 02.07.2021 is directed to be considered by the second respondent, on merits, within a reasonable time to be fixed by this Court

5. The learned Government Counsel appearing for the respondents has no serious objection for issuing such a direction.

6. Considering the above facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the second respondent to consider the representation of the petitioner dated 02.07.2021, conduct an enquiry and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as any other



interested parties. Such an exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of with the above direction.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

av/rsh

To

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2. The Tahsildar,
Sethupattu Taluk Office,
Sethupattu, Tiruvannamalai District.

+2cc to Mr.K.Kannan, Advocate, S.R.No. 48872

+1cc to the Government Pleader, S.R.No. 49460

WP No.18863 of 2021

AK II(CO)
GN(20/10/2021)