



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 22625 of 2021

P. Subramanian

..Petitioner

Versus

- 1.State of Tamil Nadu
Represented by its Secretary
Revenue Department
Fort St. George, Chennai - 600 009
- 2.District Collector
First Floor
Collectorate, Erode - 638 011.
- 3.Revenue Divisional Officer
Revenue Division Office
CSI Institutions Campus
Chidambaram Colony
Erode - 638 001.
- 4.Tahsildar
Tahsildar Office
Perudurai Taluk
Erode - 638 052.

..Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to conclude the enquiry on the petitioner's application for issuance of death certificate of Late Mr.Sengodagoundar pending before the third respondent within a time frame to be fixed by this Court and to direct the respondents to institute an enquiry and take appropriate disciplinary and other action against the delinquent officials found responsible for keeping the enquiry pending and further direct the first respondent to pay compensation determined by this Court for the violation of fundamental right, legal injury and damages suffered by the petitioner.



WEB COPY

For Petitioner : Mr. Sai Srujar
for M/s.Giridhar & Sai

For Respondents : Mr. Stalin Abhimanyu
Government Counsel

ORDER

The prayer in this writ petition is to issue a Writ of Mandamus, directing the third respondent to conclude the enquiry on the petitioner's application for issuance of death certificate of Late Mr.Sengodagounder pending before the third respondent within a time frame to be fixed by this Court and consequently direct the respondents to institute an enquiry and take appropriate disciplinary and other action against the delinquent officials who are found responsible for keeping the enquiry pending and further direct the first respondent to pay compensation, as may be determined by this Court for the violation of fundamental right, legal injury and damages suffered by him.

2. The petitioner claims to be the grand son of the deceased Sengodagounder. His grandfather said to have died on 06.06.1973 intestate leaving behind his five children, including his father Late. Palanisamy. As the legal heirs of his grandfather were uneducated and were not aware of the requirement to obtain a death certificate within a stipulated time, they did not submit any application for a long time. While so, during August 2020, the petitioner submitted an application for issuing death certificate of his grandfather. The application was forwarded to the third respondent on 04.11.2020 for an enquiry. The third respondent, in turn, directed the petitioner to appear for an enquiry on 15.12.2020. The petitioner also appeared for such enquiry and submitted documentary evidence. On 15.12.2020, the third respondent also conducted an enquiry in which all the surviving legal heirs of Sengodagounder participated. The grievance of the petitioner is that after conducting such enquiry, the third respondent did not pass any order. The petitioner therefore submitted an application dated 28.01.2021 invoking the Right to Information Act seeking to disclose the status of his application. By reply dated 27.02.2021, the third respondent informed the petitioner that the petitioner's application is pending. In effect, it is the grievance of the petitioner that the third respondent failed and neglected to pass final orders on the application submitted by the petitioner during August 2020 to issue a death certificate of his grand father Sengodagounder, who died on 06.06.1973. Hence, this writ petition.



WEB COPY

3. The learned counsel for the petitioner would contend that the Second Respondent viz., District Collector vide communication dated 10.09.2021 directed the Third Respondent to complete the enquiry and to pass final orders. In spite of such direction, the third respondent has not passed final orders on the application submitted by the petitioner.

4. The learned Government Advocate would contend that the grand father of the petitioner died on 06.06.1973 and the application seeking death certificate of his grandfather was filed during August 2020. Though the third respondent conducted an enquiry, due to the lockdown imposed to control the spread of Covid-19, there was a delay in passing final orders.

5. Having regard to the above facts and the submission of the counsel for both sides, this Court is of the view that the prayer sought for by the petitioner to take departmental action for the delay in passing final orders on the application submitted by him will not arise in this case. At the same time, this Court directs the third Respondent to pass appropriate orders on the basis of the enquiry conducted by him on 15.12.2020 on the application submitted by the petitioner for issuing legal heir certificate for his grand father Late. Sengoda Gounder, who died on 06.06.1973. Such an exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Maya/rsh

To

1.The Secretary,
Revenue Department,
Fort St. George, Chennai - 600 009.

2.The District Collector,
First Floor,
Collectorate, Erode - 638 011.



3.The Revenue Divisional Officer,
Revenue Division Office,
CSI Institutions Campus,
Chidambaram Colony, Erode - 638 001.

WEB COPY

4.The Tahsildar,
Tahsildar Office,
Perudurai Taluk,
Erode - 638 052.

+lcc to M/s.Giridhar & Sai, Advocate Sr No.54975
+lcc to the Government Pleader Sr No.55045

WP. No. 22625 of 2021

GP (CO)
PR (24/11/2021)