



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.18651 of 2021

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Valarmathi

... Petitioner

Vs.

1.The Ministry of External Affairs,
Government of India,
New Delhi.

2.State Rep. by
The District Collector,
Collectorate Campus,
Dindigul.

3.State Rep. by
The Tahsildar,
Office of Tahsildar,
Vedasandur Taluk,
Dindigul District.

4.State Rep. by
The Revenue Inspector,
Office of Tahsildar,
Vedasandur Taluk,
Dindigul District.

5.State Rep. by
The Village Administrative Officer,
Kalvarpatty Panchayat,
Vedasandur Taluk,
Dindigul District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 31.08.2021 in Moo.Mo.No.3415/2021/A3 issued by the third respondent and quash the same and consequently direct the third respondent to conduct property enquiry and issue the legal heirship certificate of deceased Krishnan s/o Thiruman to the sorrowful family based on the death certificate issued by Embassy of India, Muscat.

For Petitioner : Mr.V.Muthumani

For Respondents : Mr.M.Karthikeya Venkatachalapathy
Standing Counsel (for R1)
Mr.P.Subbaraj
Counsel for State (for R2 to R5)



ORDER

The petitioner assails an order dated 31.08.2021 of the third respondent by which the application filed by the petitioner for issuance of a legal heirship certificate was rejected.

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2.The petitioner states that her husband, Krishnan, worked as a Highway and Road Construction Technician-Controller. In relation to his employment, he went to the Sultanate of Oman in the year 2005 and continued to work there until his death. On 14.06.2021, the petitioner's husband died on account of the Covid-19 infection at Oman. Upon receipt of approval from the Embassy of India at Muscat in the Sultanate of Oman, the petitioner's husband body was buried at a graveyard in Oman. Pursuant thereto, a death certificate was issued on 17.06.2021 by the Sultanate of Oman and by the Embassy of India at Muscat on 21.06.2021.

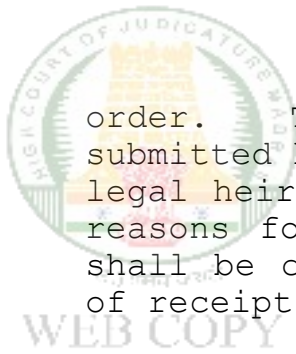
3.Upon receipt of the death certificate, the petitioner applied for the legal heirship certificate from the Tahsildar, Vendasandur. Such application was rejected by the impugned order dated 31.08.2021. The petitioner assails the said order on the ground that the reasons cited therein are completely untenable.

4.Mr.M.Karthikeya Venkatachalapathy, learned Standing Counsel, accepts notice for the first respondent. On instructions, he submits that the Government of India issued a communication dated 21.06.2021 to the petitioner in relation to her husband's death in the Sultanate of Oman on 14.06.2021. By such communication, a death certificate was enclosed.

5.Mr.P.Subbaraj, learned counsel for the State, accepts notice for respondents 2 to 5. He submits that the third respondent may be directed to reconsider the matter.

6.The impugned order dated 31.08.2021 sets out two reasons for rejecting the application. The first reason is that the death certificate was issued by the Sultanate of Oman. The said reason cannot be the basis for rejecting an application for a legal heirship certificate. The second reason cited therein is that the said death certificate does not indicate the permanent address of the petitioner's deceased husband. The petitioner has enclosed a copy of the passport of her deceased husband as also other documents such as the Aadhaar Card and driving licence of her deceased husband. In light of the said documents, the second reason cited in the impugned order is clearly untenable. Therefore, the impugned order warrants interference. The said order is hereby quashed.

7.Consequently, the matter is remitted for reconsideration by the third respondent. The third respondent is directed to reconsider the petitioner's application for a legal heirship certificate by taking into account the observations set out in this



order. The third respondent shall examine all the documents submitted by the petitioner, conduct an inquiry and either issue the legal heirship certificate or issue a reasoned order indicating the reasons for refusal to do so. In any event, the entire exercise shall be concluded within a period of two (2) months from the date of receipt of a copy of this order.

8.W.P.(MD)No.18651 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (A.D.I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Ministry of External Affairs,
Government of India, New Delhi.

2.The District Collector,
Collectorate Campus, Dindigul.

3.The Tahsildar,
Office of Tahsildar,
Vedasandur Taluk, Dindigul District.

4.The Revenue Inspector,
Office of Tahsildar,
Vedasandur Taluk, Dindigul District.

5.The Village Administrative Officer,
Kalvarpatty Panchayat,
Vedasandur Taluk, Dindigul District.

+1 CC to M/s.M.KARTHIKEYA VENKATACHALAPATHY, Advocate (SR-32409[F]
dated 25/10/2021)

+1 CC to M/s.SPL.GP (SR-32366[F] dated 25/10/2021)

W.P (MD) .No.18651 of 2021
22.10.2021