



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.17022 of 2014
and M.P.Nos.1 & 2 of 2014

J.Prakash

...Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai - 3

2.The Thasildar,
Mylapore - Triplicane Taluk,
Greenways Road, Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the respondents to issue the legal heir certificate based upon the available material documents and the representation dated 03.06.2014 given by the petitioner through registered post, to the respondents, within time frame.

For Petitioner: Ms.R.Radha Pandian
No appearance

For R1 : Mr.B.Manimegalai
Senior Counsel

For R2 : Mr.T.Venkatesh Kumar
Special Government Pleader

O R D E R

The petitioner's father one Jeevarathnam is missing for over a decade and hence, the petitioner has lodged a police complaint and FIR was registered on 03.06.1995. After investigation, the police issued a not traceable certificate on 08.04.2001. Thereafter, the petitioner has approached learned VIII Assistant Judge, City Civil Court, Chennai, and filed a suit in O.S.No.3422 of 2003 for a declaration declaring that his father shall be presumed to be dead. The learned Judge, by a judgment and decree dated 17.11.2003, declared that the said Jeevarathnam shall be presumed to be dead. Thereafter, on



03.06.2014, the petitioner has approached the second respondent with a representation along with all material documents for getting legal heir certificate and the said representation is still pending. Therefore, he seeks a direction for disposal of the representation within a specified time limit.

2.It is required to be noted that the petitioner's mother viz., J.Parameshwari is the second wife to the father of the petitioner viz., Jeevarathnam and their marriage was solemnized on 16.03.1967 and she gave birth to children from and out of their wedlock.

3.Considering the above facts and circumstances of the case, a direction is given to the second respondent to thoroughly enquire the matter as to the legal heirs of the said M.Jeevarathnam and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

4.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Dua

To

1.The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai - 3

2.The Thasildar,
Mylapore - Triplicane Taluk,
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Chennai.

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MG (CO)

A.SK(19/04/2022)