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W.P.No.31677 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**

W.P.No.31677 of 2022

N.Ettikkan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Namakkal Taluk,
Namakkal.

2.Tahsildar,
Namakkal Taluk,
Namakkal.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to carry out appropriate corrections so as to correctly depict the name of the petitioner's father as Chinna Kolanthan @ Nalliyanna Gounder S/o.Marappa Gounder and his place of death as Kunjampalayam instead of Rasampalayam in Namakkal Taluk and District in the (i) Register of Deaths [entry No.12/2000] and consequently in the Death Certificate of the petitioner's father issued by Tahsildar, Namakkal Taluk vide No.529/03/B6 dated 11.08.2003; in the Legal Heir Certificate for the petitioner's deceased father issued by the Tahsildar, Namakkal Taluk in his



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proceedings No.Ni.Mu.No.13432/2003/B3 dt 26.08.2003 and in the Pattas issued in respect of petitioner's ancestral agricultural lands situated in Rasampalayam Revenue Village, bearing Patta Nos.840 for survey Nos.137/4I; Patta No.108 for Survey No.139/4&6; Patta No.752 for Survey No.140/7; Patta No.109 for Survey Nos.140/4&5; and in the Pattas issued in respect of petitioner's ancestral agricultural lands situated in Konur Revenue Village, bearing Patta Nos.161 for survey Nos.265/3; Patta No.314 for Survey No.267/1; and Patta No.307 for Survey No.251/2B all these lands situated in Namakkal Taluk and district at an early date.

For Petitioner : Mr.N.Subramaniyan
For Respondents : Mr.U.Bharanidharan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the respondents to carry out appropriate corrections so as to correctly depict the name of the petitioner's father as Chinna Kolanthan @ Nalliyanna Gounder S/o.Marappa Gounder and his place of death as Kunjampalayam instead of Rasampalayam in Namakkal Taluk and District in the (i) Register of Deaths [entry No.12/2000] and consequently in the Death Certificate of the petitioner's father issued by Tahsildar, Namakkal Taluk vide No.529/03/B6 dated 11.08.2003; in the



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Legal Heir Certificate for the petitioner's deceased father issued by the Tahsildar, Namakkal Taluk in his proceedings No.Ni.Mu.No.13432/2003/B3 dt 26.08.2003 and in the Pattas issued in respect of petitioner's ancestral agricultural lands situated in Rasampalayam Revenue Village, bearing Patta Nos.840 for survey Nos.137/4I; Patta No.108 for Survey No.139/4&6; Patta No.752 for Survey No.140/7; Patta No.109 for Survey Nos.140/4&5; and in the Pattas issued in respect of petitioner's ancestral agricultural lands situated in Konur Revenue Village, bearing Patta Nos.161 for survey Nos.265/3; Patta No.314 for Survey No.267/1; and Patta No.307 for Survey No.251/2B all these lands situated in Namakkal Taluk and district at an early date.

2. The case of the petitioner is that, the petitioner's father, namely Chinna Kolanthaan @ Nallianna Gounder has different surname. After the demise of the petitioner's father, the petitioner came to know that his father's name has appeared as "Chinna Kolanthaan" alone in the Death Certificate issued by the second respondent. The grievance of the petitioner is that, the original name of petitioner's father was not included



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in the Death Certificate. Therefore, the petitioner made a representation dated 14.03.2022 before the first respondent, seeking to correct the name of petitioner's father in the Patta for the aforesaid ancestral properties, his Death Certificate and Legal Heirship Certificate. Since the said representation was not considered by the respondents, the petitioner had filed the present Writ Petition.

3. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submitted that it would suffice, if this Court issues a direction to the respondents to consider the petitioner's representation dated 14.03.2022 and pass orders on the same within a stipulated time that to be fixed by this Court.

4. The learned Additional Government Pleader appearing for the respondents has no objection for the said order being passed.

5. In view of the above said facts and circumstances of the case, this Court directs the respondents to consider the petitioner's representation dated 14.03.2022 and pass appropriate orders under The



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Registration of Births and Deaths Act, 1969 on merits and in accordance with law, after affording an opportunity of hearing to the necessary parties, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above observations and direction, this Writ Petition is disposed of . No costs.

28.11.2022

Index: Yes/No

Speaking Order : Yes/ No

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To

1.The Revenue Divisional Officer,
Namakkal Taluk,
Namakkal.

2.The Tahsildar,
Namakkal Taluk,
Namakkal.



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M.DHANDAPANI, J.

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