



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.03.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.4144 of 2022

K.Gopalakrishnan ... Petitioner

/Vs./

1.The District Collector,
Collector Office,
Sivagangai District-625 531.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Sivagangai District, Sivagangai.

3.The Thasildar,
Taluk Office, Thiruppuvanam Taluk,
Sivagangai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to give appropriate direction to the other respondents 2 and 3 to issue legal heirship certificate of petitioner's deceased father namely Mr.Kadambasamy, who died on 10.03.2021 (due to electrocution) based on his representation dated 07.02.2022.

For Petitioner : Mr.K.Srinivasa Raghavan,

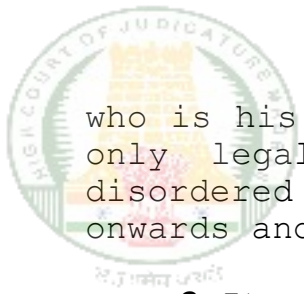
For Respondents : Mr.M.Lingadurai

Special Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to give appropriate direction to the respondents 2 and 3 to issue legal heirship certificate for the petitioner's deceased father, namely Mr.Kadambasamy, who died on 10.03.2021 (due to electrocution), based on the petitioner's representation dated 07.02.2022, within a time frame to be fixed by this Court.

2.The case of the petitioner is that his father, Mr.Kadambasamy, died on 10.03.2021. He has applied for legal heir certificate for his deceased father on 16.03.2021 with the respondents. According to the petitioner, his father, Mr.Kadambasamy, died on 10.03.2021 leaving behind the petitioner,



who is his son and Avvayar Kadambasamy, who is his daughter, as the only legal heirs. His mother, Periyakaruppi was a mentally disordered person and she has been found missing from the year 2010 onwards and is presumed to be dead.

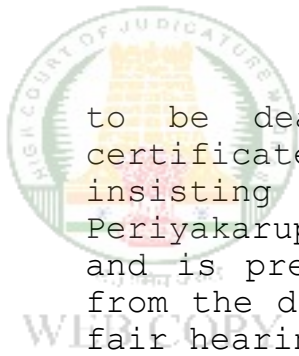
3. It is also the case of the petitioner that Panchayat President Enathi, Theli Panchayat and the Inspector of Police, Poovanthi Police Station, issued missing certificate dated 20.11.2021 that the mother of the petitioner has been missing since 2010. According to the petitioner, the respondents are insisting upon the death certificate of his mother for issuing legal heirship certificate for his deceased father, Mr.Kadambasamy, who died on 10.03.2021.

4. It is the further case of the petitioner that he has been suffering from seizure and therefore, he is not keeping in good health. In such circumstances, he seeks for expeditious issuance of legal heirship certificate for his deceased father, Mr.Kadambasamy. Since the application dated 07.02.2022 seeking for issuance of legal heirship certificate has not been considered till date, he has filed this writ petition.

5. The petitioner has produced the family card, death certificate of Mr.Kadambasamy, confirming that he died on 10.03.2021, an FIR with regard to the death of his father due to electric shock and the resolution passed by the Panchayat disclosing that the petitioner's mother is missing since 2010 and is presumed to be dead. According to the petitioner, the application dated 07.02.2022 seeking for issuance of legal heirship certificate for Mr.Kadambasamy, has not been considered only due to the fact that the death certificate for the petitioner's mother, who is missing since 2010 has not been produced. Therefore, he seeks for a direction to the respondents to issue legal heirship certificate, without insisting upon the production of the death certificate of his mother, who is missing since 2010 and is presumed to be dead.

6. No prejudice would be caused to the respondents, if the petitioner's application seeking for issuance of legal heirship certificate is considered on merits and in accordance with law, after affording a fair hearing to the petitioner. It is for the petitioner to convince the respondents that his mother has been missing from 2010 onwards and is presumed to be dead, by producing all the necessary evidences in respect of the same.

7. Accordingly, this Court directs the third respondent to consider the petitioner's application dated 07.02.2022 seeking for issuance of legal heirship certificate for his deceased father, Mr.Kadambasamy, who died on 10.03.2021, based on the records/documents produced by the petitioner and if satisfied that the petitioner's mother has been missing since 2010 and is presumed



to be dead, the third respondent shall issue legal heirship certificate for late.Mr.Kadambasamy, who died on 10.03.2021, without insisting upon the production of the death certificate of Periyakaruppi, the petitioner's mother, who is missing since 2010 and is presumed to be dead, within a period of twelve [12] weeks from the date of receipt of a copy of this order, after affording a fair hearing to the petitioner.

8.With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

- 1.The District Collector,
Collector Office,
Sivagangai District-625 531.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Sivagangai District,
Sivagangai.
- 3.The Thasildar,
Taluk Office,
Tiruppuvanam Taluk,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-11504[F] dated 11/03/2022)

order made in
W.P. [MD]No.4144 of 2022
Dated:09.03.2022

SM

MS/23.03.2022/3P.5C