



W.P(MD)No.20414 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20414 of 2022

P.Puthumai Viyagappan

... Petitioner

Vs.

1.The District Collector,
Tenkasi District,
Tenkasi – 627 811.

2.The Tahsildar,
Veerakeramlampudur Taluk,
Veerakeralampudur – 627 861,
Tenkasi 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 No.O.Mu.No.A4/508/2022 dated 15.07.2022 passed by the 2nd respondent and quash the same and direct the 2nd respondent to issue one and same (name) certificate to the petitioner in respect of his deceased wife (Mariaselvam/ Siluvaimuthu).

For Petitioner : Mr.A.John Vincent

For Respondents : Mr.M.Prakash,
Addl. Government Pleader.



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ORDER

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Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the respondents.

2.The writ petitioner got married to one Siluvaimuthu. The said Siluvaimuthu passed away on 09.06.2021 due to Corona at Tirunelveli Medical College Hospital. She worked in King Beedi Company Private Limited which has unit at Veerakeralampudur. The company had deposited her provident fund amount in the bank account at State Bank of India, Surandai Branch. It is stated that the petitioner's wife had given her name as Mariaselvam in the company records. Therefore, the deposit is in the name of Mariaselvam. The petitioner is unable to withdraw the said amount on account of the discrepancy in the names. Therefore, he filed a petition before the second respondent seeking issuance of certificate that the said Mariaselvam and Siluvaimuthu are one and the same. Since his request was not considered, he filed W.P.(MD)No.1662 of 2022. Vide order dated 29.03.2022, this Court had directed the second respondent to pass order on the petitioner's representation dated 11.11.2021. Pursuant to the said direction, the impugned endorsement dated 15.07.2022 came to be issued. The second respondent had taken the



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stand that there is no provision for issuing the certificate as sought for by the writ petitioner. Questioning the same, this writ petition has been filed.

3.The learned counsel for the writ petitioner submitted that it is the revenue department that has to necessarily come to rescue of citizens like the petitioner in cases such as this.

4.Per contra, the learned Additional Government Pleader for the respondents reiterated the contentions set out in the impugned endorsement.

5.I carefully considered the rival contentions and went through the materials on record. I am not able to fault the second respondent for having taken the impugned stand. When there is no specific provision either in any statute or in any government circular, I cannot expect the second respondent to issue certificate stating that Siluvaimuthu and Mariaselvam denote one and the very same person. I am therefore not inclined to interfere with the endorsement impugned in the writ petition.

6.At the same time, the writ petitioner cannot be left remediless. He categorically asserts that his wife was employed in Kings Beedi Company



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Private Limited which has a unit at Veerakeramlampudur. He also states that his wife passed away on 09.06.2021 due to Corona at Tirunelveli Medical College Hospital. His further claim is that the company management had deposited the provident fund dues in a bank account.

7.Now instead of asking for a certificate that Mariaselvam and Siluvaimuthu are one and the same, the petitioner can apply to second respondent for legal heir certificate for Mariaselvam. The Government of Tamil Nadu has issued instructions in circular mandating that the jurisdictional Thasildars will have to issue legal heir certificate for deceased persons, when the heirs seek the same. I therefore permit the petitioner to submit a fresh application seeking issuance of legal heir certificate to the second respondent. The second respondent will hold an enquiry as to whether a person known as Mariaselvam was actually employed in King Beedi Company Private Limited and whether she had later died. He will conduct further enquiry if the writ petitioner was the husband of the said Mariaselvam. If that be so, the second respondent will straightaway issue legal heir certificate certifying that the writ petitioner is the legal heir of said Mariaselvam who is also known as Siluvaimuthu. It is true that in the death certificate, the petitioner's wife has been mentioned as Siluvaimuthu. There are also other discrepancies in the



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Aadhar card also. But these are not matters that should really come in the way of the second respondent from rendering true justice. As rightly contended by the learned counsel for the writ petitioner, the object of the revenue department must be to provide to relief and succor to the affected persons. Merely because records are bristling with some discrepancies, the second respondent should not feel discouraged. The second respondent will find out if the case of the petitioner is true. If the petitioner's wife was known by two names namely, Mariaselvam and Siluvaimuthu, then instead of issuing the certificate as sought for by the writ petitioner, the second respondent can issue a legal heir certificate for Mariaselvam in which her alias name can also be mentioned. This exercise shall be completed by the second respondent within a period of eight weeks from the date of receipt of a copy of this order.

8.The writ petition is disposed of on these terms. No costs.

30.08.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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