



WEB COPY



W.P(MD)No.21

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.21100 of 2022

V.Rajkumar

..Petitioner

Vs

1.The District Collector,
Collectorate,
Dindigul.

2.The Tahsildar,
Taluk Office,
Kodaikanal,
Dindigul District.

3.The Inspector,
Kodaikanal Police Station,
Dindigul District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to issue “Civil Death” Certificate of P.Vairaperumal within a period that may be stipulated by this Court.



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For Petitioner

:Mr.N.Mohan

For R1 & R2

:Mr.A.Kannan

Additional Government Pleader

For R3

: Mr.B.Thanga Aravindh

Government Advocate

ORDER

The Petitioner has filed this Writ Petition seeking a direction to the respondents 1 and 2 to issue “Civil Death” Certificate of P.Vairaperumal within a period that may be stipulated by this Court.

2.Heard Mr.N.Mohan, learned Counsel appearing for the petitioner, Mr.A.Kannan, learned Additional Government Pleader appearing for the respondents 1 & 2 and Mr.B.Thanga Aravindh, learned Government Advocate (Crl.side) appearing for the third respondent.

3.The learned counsel appearing for the petitioner would submit that the petitioner is running a grocery shop. He is the only son to his parents. On 23.04.2007 his father went to Ayyarmalai Temple, Kulithalai while Chithirai Festival at his age of 55. He did not return. They have been searching for him in and around the temple and our relative house to find out his whereabouts. They could not find out. Therefore, on 03.08.2007 he lodged a complaint to the third respondent to find out his father, who was



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found missing from 23.04.2007. The third respondent issued a receipt for his complaint on the same day. The statutory period of 7 years and upto now 15 years have lapsed.

His whereabouts is not found till now. They need for death certificate of his father. Since he was not found the certificate of “Civil Death” to be issued by the respondents 1 & 2. He gave several representations, finally on 14.02.2022, but till date the respondents have not taken any steps to issue the said certificate. Hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

4.The learned Government Advocate (Crl.side) appearing for the third respondent filed counter and submitted that Civil Death of P.Vairaperumal could not be issued as the petitioner lodged a complaint on 03.04.2007 that he was missing from 23.04.2007 when he went to Ayyarmalai Temple and after the receipt of the complaint, C.S.R.No. 294 of 2007 was issued. Since, whereabouts of his father was not found, again on 14.02.2022, he sent a representation and the said complaint was closed on the ground that the jurisdictional police station is Kulithalai Police Station, Karur District and directed the petitioner to lodge the complaint before the Kulithalai Police Station. He would further submit that, thereafter, as of now the third respondent has not received any complaint and if the respondents 1 & 2 seeks any assistance, they are ready to provide the same without adversity.



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5. The learned Additional Government Pleader appearing for the respondents 1 & 2 would submit that the petitioner's claim is that his father was missing from 23.04.2007 and his whereabouts is not known and hence, he seeks to issue Civil Death certificate. The concerned Tahsildar and Revenue Inspector have made an enquiry with village people and whereabouts are not known whether he died or not could not be found and hence, there are not in a position to issue such certificate. The petitioner has to approach the concerned Civil Court and produce the relevant records and materials before the Civil Court and after passing the decree, they can issue a certificate.

6. Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, this Court directs the respondents to consider the petitioners representation, dated 14.02.2022 and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition stands disposed of. No costs.

Index : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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