



W.P.No.8904 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

CORAM :

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

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K.Govindaraj

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Ariyalur, Ariyalur District.

2. The Tahsildar,
Ariyalur Taluk,
Ariyalur,
Ariyalur District.

3. Seeman
Respondents

...

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.B2/4024/2022, dated 30.06.2022 and quash the same and consequently directing the respondents to furnish the petitioner's grand father's Perumal death certificate to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.E.Veda Bagath Singh
Special Government Pleader



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ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order passed by the 2nd respondent in his proceedings Na.Ka.B2/4024/2022, dated 30.06.2022 and consequently to direct the respondents to furnish the petitioner's grand father's Perumal death certificate to the petitioner.

2. Mr.C.Prakasam, appears for learned counsel for the petitioner, Mr.E.Veda Bagath Singh, learned Special Government Pleader takes notice on behalf of the respondents 1 and 2. In view of the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. It is the case of the petitioner that his grandfather namely Perumal expired on 10.04.1968, leaving behind his three sons as his legal heirs. Due to some dispute between the petitioner and other legal heirs of said Perumal, a civil suit was filed, which is pending adjudication. Seeking for death certificate of the petitioner's grandfather, he made an application before the second respondent dated 10.06.2021,



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for which the third respondent who is the petitioner's cousin brother made objection to issue death certificate of his grandfather. Thereafter, a suit for partition in O.S.No.104 of 2022 was filed before the Additional Sub Judge, Ariyalur, which is also pending adjudication. While that being so, the petitioner made a representation dated 09.01.2023 before the first respondent seeking to issue death certificate of his grandfather, who in turn directed the second respondent to conduct enquiry in this regard. Pursuant to said direction, an enquiry was conducted by the second respondent and an impugned order dated 30.06.2022 was passed rejecting the claim of the petitioner citing the fact that there were objections from the third respondent. Challenging the same, the present writ petition has been filed.

4. Learned counsel for the petitioner submitted that though the petitioner has filed this Writ Petition, challenging the order dated 30.06.2022 passed by the second respondent, he fairly conceded that as against the order passed by the second respondent, there is an effective appeal remedy available before the first respondent / Revenue Divisional Officer. Hence, he restricted his prayer and sought permission of this



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Court to file an appeal before the first respondent.

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5. Heard the arguments advanced on either side and perused the materials available on record.

6. In view of the fair stand taken by the learned counsel for the petitioner, this Court, without interfering with the order under challenge, grants permission to the petitioner to file appropriate appeal before the first respondent / Revenue Divisional Officer within a period of two weeks from the date of receipt of a copy of this order. On receipt of such appeal petition, the first respondent is directed to club the objection petition filed by one Seeman ie., third respondent herein along with the appeal petition filed by the petitioner and pass appropriate orders on the said appeal after affording an opportunity of hearing to the petitioner as well as the third respondent herein within a period of four weeks thereafter.



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7. This Writ Petition is accordingly disposed of. No costs.

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Index : Yes / No

Speaking order / Nonspeaking order

Neutral Citation Case : Yes / No

(rap)

To

1. The Revenue Divisional Officer,
Ariyalur, Ariyalur District.

2. The Tahsildar,
Ariyalur Taluk,
Ariyalur,
Ariyalur District.



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M.DHANDAPANI, J.

(rap)

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