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W.P.No.17655 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

CORAM :

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

W.P.No.17655 of 2023

Beaula

... Petitioner

Vs.

1.The Tahsildar,
Mambalam Taluk,
West Jafferkhanpet,
Chennai – 600 078.

2.The State of Tamil Nadu,
Represented by The Secretary to Government,
Revenue and Disaster Management,
Fort St. George, Chennai – 600009.

... Respondents

(R2 suo-motu impleaded vide order dated
16.06.2023 made in W.P.No.17655 of 2023)

Prayer : Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records on the file of the respondent herein in Che.Mu.Order No.E1/005/2023, dated 26.05.2023, quash the same and direct the respondent to provide/issue the petitioner with a certificate by certifying the petitioner's full name (viz.,) A.Beaula Helina Rubavathy (as mentioned in the Sl.No.3 of the Legal Heirship Certificate in D.Dis (D1) 37556/03, dated



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04.11.2003, and in Sl.No.2 of the Legal Heirship Certificate in R.Dis.D1/2258/2014, dated 02.04.2014) and the petitioner's present name (viz.,) Beaula (as mentioned in the Government records) is one and the same person.

For Petitioner : Mr.R.Srinivasalu
For Respondents : Mr.V.Manoharan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent herein in Che.Mu.Order No.E1/005/2023, dated 26.05.2023, quash the same and to direct the first respondent to provide/issue the petitioner with a certificate by certifying the petitioner's full name (viz.,) A.Beaula Helina Rubavathy (as mentioned in the Sl.No.3 of the Legal Heirship Certificate in D.Dis (D1) 37556/03, dated 04.11.2003, and in Sl.No.2 of the Legal Heirship Certificate in R.Dis.D1/2258/2014, dated 02.04.2014) and the petitioner's present name (viz.,) Beaula (as mentioned in the Government records) is one and the same person.



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2. The case of the petitioner is that, her father S.Arthur Arul Dharmaraj namely expired on 10.09.2003 leaving behind the petitioner and other legal heirs. Subsequently, the Legal Heirship Certificate was issued by the first respondent on 04.11.2003, mentioning the full name of the petitioner as A.Beaula Helina Rubavathy. Thereafter, petitioner's younger sister and mother expired leaving behind the petitioner and her elder sister. Since all the Government records reflects the name of the petitioner as A.Beaula and not as A.Beaula Helina Rubavathy, the petitioner made a representation dated 18.10.2022 before the first respondent to issue a certificate certifying the full name of the petitioner viz., A.Beaula Helina Rubavathy as mentioned in the legal heir certificate and the present name as mentioned in all the Government Records viz. A.Beaula are one and the same person. Since the same was not considered, the petitioner again sent a reminder representation dated 13.12.2022 to the first respondent. But the said representation remained unanswered. Hence, the petitioner filed a writ petition in W.P.No.581 of 2023 before this Court and this Court, by its order, dated 24.03.2023, directed the first respondent to consider the petitioner's representation dated 18.10.2022 and reminder representation dated 13.12.2022 and to pass appropriate orders on merits



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and in accordance with law within a period of four weeks from the date of receipt of a copy of the order. Pursuant to which, the first respondent passed the impugned proceedings dated 26.05.2023 rejecting the petitioner's claim stating that since the petitioner did not produce any government issued Identity card or proof mentioning her full name, her claim cannot be considered. Challenging the same, the above writ petition has been filed before this Court.

3. The learned counsel for the petitioner submits that the revenue officials have power to issue one and the same person certificate by mentioning the two names of the petitioner. Though some of the Tahsildars have issued said certificate to similarly placed persons, however, the first respondent refused to issue to the petitioner, which is not sustainable. Accordingly, he prays for appropriate orders.

4. The learned Additional Government Pleader appearing for the respondents filed a status report on behalf of the second respondent stating that the issuance of one and the same person certificate has always been in question as it is not listed in the Citizen Charter or Revenue and Disaster



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Management Department. However, the Revenue and Disaster Management Department is issuing the following 25 (Certificates / Services) only through online mode :

S.No.	Name of Certificate
1	Community Certificate
2	Income Certificate
3	Nativity Certificate
4	First Graduate Certificate
5	Deserted Women Certificate
6	Agriculture Income Certificate
7	Inter – Caste Certificate
8	Widow Certificate
9	Unemployment Certificate
10	Family Migration Certificate
11	Small / Marginal Farmers Certi
12	Certificate for Loss of Educational Records due to disasters
13	Unmarried Certificate
14	No Male Child Certificate
15	Legal Heir Certificate
16	Residency Certificate
17	Solvency Certificate
18	Lincese under Pawn Broker Act
19	Money Lender License
20	Other Backward Community Certificate
21	Economically Weaker Sections (Income and Assets)
22	Destitute Widow Certificate
23	Jain Religious Minority Certificate
24	Public Building License
25	Temporary Cracker License



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5. Further, though the petitioner's request for one and the same person certificate is not listed above, however, some of the Revenue Authorities issued such certificates through offline mode upon receipt of request from the general public based on the Genuineness and Discretionary powers of the Tahsildar. Though there is no specific instructions/circular in existence to issue such certificates, however, based on request from public, these certificates were issued in offline mode as on date and necessary guidelines/instructions will be issued shortly.

6. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

7. A perusal of the records, particularly, the status report filed on behalf of the second respondent, makes it clear that, though there is no specific instructions/circular in existence to issue such specific certificates, however, the same were issued in offline mode as on date, based on the request received from the general public. Further, in the



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status report, it has been stated that, necessary guidelines/instructions will be issued shortly in this regard. Hence, this Court, is not inclined to interfere with the impugned order.

8. Recording the status report filed on behalf of the second respondent, the writ petition is closed granting liberty to the petitioner to workout the remedy before the competent authority in the manner known to law. No costs.

30.06.2023

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To

- 1.The Tahsildar,
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- 2.The Secretary to Government,
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M.DHANDAPANI, J.,

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