



W.P.(MD)No.1621 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.1621 of 2021

K.Lavanya

... Petitioner

Vs.

1.The Tahsildar
Taluk Office, Palani

2.The Village Administrative Officer,
Thoppampatti Village Palani Taluk,
Dindigul District

3.The Inspector of Police,
Keeranur Police Station,
Palani Taluk. Dindigul District.

4.T.Sellappa Gounder

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to issue Death and Legal Heir Certificate to the petitioner on the death of my husband S.Magudeeswaran on 16.11.2020 based on the petitioner's representation dated 06.01.2021.



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For Petitioner	: Mr.N.Mohan
For R-1& R-2	: Ms.D.Farjana Ghoushia, Special Government Pleader
For R-3	: Mr.R.Sivakumar, Government Advocate (Criminal Side)
For R-4	: Mr.S.Sivathilakar

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the first respondent to issue Death and Legal Heirship Certificate to the petitioner on account of the demise of the husband of the petitioner on 16.11.2020 based on the representation dated 06.01.2021.

2. The fourth respondent, who is the father of the deceased, S.Magudeeswaran, is seriously disputing the marriage between the petitioner and his son. According to the fourth respondent, the petitioner is only interested in grabbing the property by claiming herself as wife. Therefore, according to the fourth respondent, the petitioner is not entitled to get the death certificate or the Legal Heirship Certificate as claimed by the petitioner.



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3. The learned Government Advocate on behalf of the third respondent submitted that a complaint was given by the petitioner against the fourth respondent and this complaint was enquired and closed in C.S.R.No.8 of 2021.

4. The learned Special Government Pleader appearing on behalf of respondents 1 and 2 submitted that the representation made by the petitioner is pending and that the petitioner and the fourth respondent will be enquired and a decision will be taken by the first respondent in this regard.

5. In the light of the above submissions, it is not necessary for this Court to go into the factual dispute raised and it is left open to the first respondent to take a decision on the representation made by the petitioner on 06.01.2021 on its own merits and in accordance with law. In any case, the mere issuance of any Death Certificate or Legal Heirship Certificate, will not give a legal status to a person and the same is a matter to be decided only by the competent Civil Court.



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6. In view of the same, the first respondent shall take a decision on its own merits and in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order and pass an order.

7. This Writ Petition is disposed of with the above directions.

No costs.

10.10.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
tsg

To

1.The Tahsildar
Taluk Office, Palani

2.The Village Administrative Officer,
Thoppampatti Village Palani Taluk,
Dindigul District

3.The Inspector of Police,
Keeranur Police Station,
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N.ANAND VENKATESH, J.

tsg

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