



W.P.(MD)No.5899 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :23.02.2023

CORAM

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.(MD)No.5899 of 2015

C.Balakrishnan

... Petitioner

Vs.

1.The Principal Secretary,
Revenue Administration,
Secretariat, Chennai 600 009.

2.The District Collector,
Pudukottai 622 005,
Pudukottai District.

3.Tahsildar,
Illuppur Taluk, Illuppur 622 102,
Pudukottai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the third respondent to issue legal heirship certificate and also directing the respondents to issue Death Cum Burial certificate at the place of burial ground itself to alleviate the enormous sufferings that the public are undergoing at present.

For Petitioner :Mr.S.C.Herold Singh

For Respondents :Mr.V.Om.Prakash,
Government Advocate



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ORDER

This writ petition has been filed seeking for a mandamus, directing the third respondent to issue legal heirship certificate and also to direct the respondents to issue Death-Cum-Burial certificate at the place of burial ground itself to alleviate the enormous sufferings that the public are undergoing at present.

2.The case of the petitioner is that the petitioner's mother died on 17.11.1989 and that the Village Administrative Officer, Thiruchirappalli Taluk had also issued a certificate, recommending the name of the petitioner for grant of certain benefits, wherein, he had also recorded that the petitioner's mother is no more. However, without considering any of the documents submitted by the petitioner, the third respondent had rejected the claim of the petitioner, by holding that he had not produced the Death Certificate of his mother. He would submit that when the petitioner had produced the receipt issued by the concerned burial ground as also the certificate of the Village Administrative Officer recommending the claim of the petitioner for certain benefit, wherein, it has been clearly certified that



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the mother of the petitioner is no more, the Tahsildar ought not to have rejected the application of the petitioner. Hence, this petitioner has preferred this Writ Petition.

3.Countering his arguments, the learned Government Advocate appearing for the respondent would submit that the documents produced by the petitioner are not the death certificate issued by the concerned authority. The petitioner ought to have obtained a Death Certificate, based upon the receipt issued by the concerned burial ground. He would also further submit that reliance upon the certificate of certain benefits of the petitioner issued by the Village Administrative Officer is not a Death Certificate or for a legal heir certificate, it is for a different relief. The said certificate is not in a proper form to consider the request of the petitioner for grant of a legal heirship certificate.

4.I have considered the rival submission made on either side.



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5.As rightly pointed out by the learned Government Advocate, the certificate issued by the Village Administrative Office, cannot be treated as a certificate for grant of legal heir certificate or the death certificate. Hence, the petitioner is directed to approach the appropriate authority to obtain death certificate, based upon the receipt issued by the burial ground and thereafter, approach the third respondent for grant of legal heir certificate. When such an application is made, the third respondent shall consider the same and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above directions, this writ petition stands disposed of.

There shall be no order as to costs.

23.02.2023

NCC :Yes/No
Internet :Yes/No
Index : Yes / No
sbm



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To

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K.KUMARESH BABU, J.

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