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W.P.No.643 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.643 of 2020

Mr.K.Parthasarathy

... Petitioner

Vs.

The Tahsildar,
Ayyanavaram Taluk Office,
Ayyanavaram, Chennai – 600 102.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the order dated 06.11.2019 issued by the respondent in Na.Ka.No.A3/03221/2019 on the application of the petitioner dated 27.10.2019 seeking relationship certificate of deceased Mrs.Kanchana and quash the same and direct the respondent to issue relationship certificate.

For Petitioner : Mr.M.Anandaraj

For Respondent : Mr.P.Balathandayutham,



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Special Government Pleader
ORDER

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The order impugned dated 06.11.2019 rejecting the claim of the writ petitioner to issue relationship certificate in favour of the petitioner is under challenge in the present writ proceedings.

2. The petitioner states that the elder sister of his father smt.Saroja got married with Mr.Sampantham. The elder daughter of the petitioner's aunty Mrs.Saroja also died. She got married with one Mr.C.V.Narayanan, who was working as Physical Education Teacher at Singaram Pillai Bous Higher Secondary School, Villivakka, Chennai and got retired in the year 1993 and they have no children. The said Mr.C.V.Narayanan was receiving pension from 1993 and died in the year 2013, leaving his wife Smt.Kanchana. After his demise, the said Mrs.Kanchana was under the care and custody of the petitioner till her death.

3. Under these circumstances, the petitioner claims that he is the only heir alive and therefore, he is entitled to inherit the properties and other benefits of Mr.C.V.Narayanan.



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4. In this context, the petitioner submitted an application to the Tahsildar to issue relationship certificate. The Tahsildar replied by stating that there is no provision to issue such relationship certificate nor the Government has delegated such powers to the Tahsildar for issuing such relationship certificate on receipt of any application.

5. Under the Governmental orders, the powers are delegated to the Tahsildar only to issue certain certificates and beyond the scope of the Governmental order, the Tahsildars are not empowered to issue certificates at his discretion. If at all the petitioner claims to be the legal heir of Mr.C.V.Narayanan, he has to secure a succession certificate by approaching the competent court of law for the purpose of inheriting the properties or otherwise. Contrarily, the petitioner cannot make an attempt to secure a relationship certificate from the revenue authorities for the purpose of inheriting the properties.



6. The power of the revenue authorities cannot be expanded for the purpose of issuing any or every certificate to the citizen as per their own request. Certificates are to be issued as per the Governmental orders in force and by exercising the powers of delegation conferred on the Tahsildar. Any excess exercise would result in an anomalous situation and the revenue authorities issuing such certificate are liable for prosecution and disciplinary proceedings under the Rules.

7. The Governmental order issued in G.O (Ms) No.478, Revenue and Disaster Management, Revenue Administration Wing, RA-3(2) Section dated 29.09.2022 issued guidelines for issuing relationship certificates. Beyond the scope of the said Governmental order, the Tahsildars are not empowered to issue any other certificate and therefore, the legal heir or relationship certificate, as enumerated in the Governmental order alone is to be granted by the Tahsildar by following the procedures as contemplated. Therefore, this Court do not find any infirmity in respect of the order impugned passed by the respondents. The petitioner is at liberty to workout his remedies in the manner known to law.



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8. With these observations, the Writ Petition stands dismissed.

No costs.

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Index : Yes

Speaking order

Neutral Citation : Yes

To

The Tahsildar,
Ayyanavaram Taluk Office,
Ayyanavaram, Chennai – 600 102.



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S.M.SUBRAMANIAM, J.

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