



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.06.2024

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.15117 of 2024

P.Arokkiyamary

... Petitioner

Vs

1.The District Collector,
Villupuram District.

2.The Revenue Divisional Officer,
Villupuram District.

3.Tahsildhar,
Thiruvannainallur Taluk,
Villupuram District.

4.The Village Administration Officer,
Madhampattu Village,
Thiruvannainallur Taluk,
Villupuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 4th respondent herein to register the death of petitioner deceased brother Mr.Arul David (**Aadhar Card:**



W.P.No.15117 of 2024

2047 0524 8034) followed by direction to the 3rd respondent herein to issue legal heir certificate of the aforementioned deceased person within the time frame to be stipulated by this Hon'ble Court.

For Petitioner : Mr.P.Dinesh Kumar

For Respondents : Mr.R.Neelakandan
Additional Advocate General
assisted by
Mr.U.Bharanidharan
Additional Government Pleader

ORDER

Mr.U.Bharanidharan, learned Additional Government Pleader accepts notice for the respondents and is represented by Mr.R.Neelakandan, learned Additional Advocate General. They are armed with instructions to enable final disposal of this Writ Petition, even at the stage of admission.

2. The petitioner claims to be the sister of one M.Arul David, who was born on 11.06.1984 and passed away on 29.06.2022. She claims that his mortal remains were buried at the burial ground of St.John of Arc Church, Mathampattu Village and, to evidence the same, refers to extract dated 06.11.2023 of the Register of Burials maintained by the Catholic Priest of the aforesaid Church.



W.P.No.15117 of 2024

3. The aforesaid extract indicates that Arul David was buried on 30.06.2022 in Mathampattu Village. She states that she has made a representation on 14.09.2023 to the first and second respondents, being the District Collector and Revenue Divisional Officer respectively seeking registration of her brother's death, such that she could seek issuance of legal heirship certificate. Despite several reminders, she states, that there has been no action on their part, necessitating the present Writ Petition.

4. Mr.Neelakandan circulates proceedings in Na.Ka.A4/755/2024 dated 12.06.2024, wherein the Tahsildar/R3 accedes to the receipt of the representations from the petitioner. However, at paragraph 3 of that instructions, R3 states that the place of burial did not fall within the jurisdiction of the respondents authorities and it is for this reason no action was taken on the representation.

5. He also states that this fact was intimated to the petitioner. However, no written communication has been placed on record to this effect and the petitioner denies that he was ever informed of this development. It was incumbent on the authorities to have corresponded with the petitioner in regard to the prayer in the representation dated 14.09.2023.

6. To be noted, that the extract from the Register of Burials maintained by St.John of Arc Church, Mathampattu Village, prima facie, establishes the



W.P.No.15117 of 2024

burial of Arul David at that location. In fact, it is the submission of the State that had this extract been produced before the authorities, it would have been duly taken note of and the needful done in terms of representation dated 14.09.2023.

7. To be noted, that the representation is dated 14.09.2023, whereas the certificate from the Church is dated 06.11.2023 and it is likely that the same has not brought to the notice of the authorities.

8. Hence, mandamus is issued to the Tahsildar/R3 to take appropriate action on representation dated 14.09.2023, hear the petitioner, consider relevant documents and do the needful in terms of the plea contained therein within a period of six (6) weeks from today subject to the full co-operation by the petitioner in furnishing the necessary details to the authorities.

9. This Writ Petition is disposed as above. No costs.

12.06.2024

Index : Yes / No
Speaking Order/Non-Speaking order
Neutral Citations: Yes/No
sl

To

1.The District Collector,
Villupuram District.



W.P.No.15117 of 2024

2.The Revenue Divisional Officer,
Villupuram District.

3.Tahsildhar,
Thiruvennainallur Taluk,
Villupuram District.

4.The Village Administration Officer,
Madhampattu Village,
Thiruvennainallur Taluk,
Villupuram District.



WEB COPY



W.P.No.15117 of 2024

Dr.ANITA SUMANTH,J.
SI

W.P.No.15117 of 2024

12.06.2024