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W.P.No.24512 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

CORAM :

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

W.P.No.24512 of 2024

Vignesh

...Petitioner

Vs.

1. The District Revenue Officer,
Erode District, Erode.
2. The Revenue Divisional Officer,
Erode District, Erode.
3. The Tahsildar,
Modakurichi Taluk, Erode District.
4. Vadivelu

...Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to order passed by the 2nd respondent dated 10.06.2024 in Na.Ka.No.745/2024/A4 and to quash the same consequently direct the 2nd respondent to registered the death of the petitioner's grandmother namely Kaliammal, who died on 16.06.1998 and to issue death and legal heirship certificate within a stipulated time that may be fixed by this Hon'ble Court.



For Petitioner : Mr.C.S.Saravanan

For Respondents : Mr.U.Baranidharan, AGP, for R1 to R3

ORDER

The petitioner has filed this Writ petition seeking quashment of the order of the 2nd respondent dated 10.06.2024 in Na.Ka.No.745/2024/A4 and to consequently direct the 2nd respondent to registered the death of the petitioner's grandmother namely Kaliasammal and to issue death and legal heirship certificate.

2. Mr.U.Baranidharan, learned Additional Government Pleader takes notice on behalf of the respondents 1 to 3. In view of the consent expressed by the learned counsel on either side, this petition is taken up for final disposal at the admission stage itself.

3. Since no adverse order is being passed against the 4th respondent, notice to the 4th respondent is dispensed with.

4. The case of the petitioner is that the petitioner's paternal



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grandmother Kaliammal died on 16.06.1998. Thereafter, on 23.01.2024, the petitioner made an application before the 2nd respondent seeking to register the death of his grandmother and to consequently issue death certificate and he also submitted the requisite documents and paid the necessary charges. Though the 2nd respondent, after conducting enquiry, passed an order dated 23.01.2024 stating that the death of the said Kaliammal can be registered and there is no legal impediment, however, pursuant to the objection made by the 4th respondent on 20.02.2024, the 2nd respondent, vide impugned order dated 10.06.2024 in Na.Ka.No.745/2024/A4 rejected the petitioner's claim for registration of the death of the said Kaliammal, despite the report dated 23.01.2024 sent by the 3rd respondent, recommending for registration of the death of the said Kaliammal. Challenging the same, the petitioner has come up with this Writ petition.

5. Learned counsel for the petitioner submitted that, merely because of the objection made by the 4th respondent stating that there is a suit pending in between the parties, the 2nd respondent had rejected the petitioner's application, without hearing the petitioner, which is not sustainable and it is a clear violation of principles of natural justice and the same has to necessarily



be interfered with.

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6. Learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that, as against the impugned order passed by the 2nd respondent, there is an effective appeal remedy available before the 1st respondent and without availing the said appeal remedy, filing the present Writ petition is not sustainable. Accordingly, he prayed dismissal of this Writ petition.

7. Heard learned counsel on either side and perused the materials available on record.

8. A perusal of the material documents placed on record reveals that, as pointed out by the learned Additional Government Pleader, as against the impugned rejection order dated 10.06.2024 passed by the 2nd respondent, rejecting the petitioner's application seeking registration of the death of his grandmother late.Kaliammal and for issuance of death certificate, there is an effective appeal remedy available before the 1st respondent and without exhausting the said appeal remedy, filing this Writ petition, challenging the order of the 2nd respondent is not sustainable and this Court is not inclined to



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interfere with the impugned order passed by the 2nd respondent.

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9. Hence, this Court, while dismissing this Writ petition, grants liberty to the petitioner to file appropriate appeal before the 1st respondent/appellate authority within a period of four weeks from the date of receipt of a copy of this order. Upon filing of such appeal, the 1st respondent shall consider the same on merits and in accordance with law and pass appropriate orders in terms of G.O.Ms.No.324 dated 28.06.2023, Revenue & Disaster Management Department, within a period of four weeks thereafter, after conducting proper enquiry, by affording an opportunity of hearing to the petitioner, the 4th respondent and other aggrieved persons, if any.

10. With the above directions, this Writ Petition stands dismissed with liberty. No costs.

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skt

NCC : Yes/No
Index : Yes/No
Speaking Order : Yes/No

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M.DHANDAPANI, J.

skt

To:

1. The District Revenue Officer,
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3. The Tahsildar,
Modakurichi Taluk, Erode District.

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