



W.P(MD)No.7390 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 25.03.2024

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.7390 of 2024

R.Samathuvam

... Petitioner

Vs.

1.The District Collector,  
Sivagangai District,  
Sivagangai.

2.The Thasildhar,  
Ilaiyankudi Taluk,  
Sivagangai District.

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents to consider petitioner representation dated 28.12.2023 and consequently to direct the Respondents to issue death Certificate and legal heir certificate to the Petitioner.

For Petitioner : Mr.P.Jeyasankar

For Respondents : Mr.D.Gandhiraj,  
Spl. Government Pleader.



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## **ORDER**

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Heard both sides.

2.The petitioner states that her husband namely, Ramaiya has not been heard for the last 23 years. She wants the second respondent to issue death certificate as well as legal heir certificate.

3.As rightly pointed out by the learned Special Government Pleader, when the factum of death is not confirmed, the revenue authority cannot issue death certificate or legal heir certificate. Of course, the statutory presumption set out in Section 108 of the Indian Evidence Act will come to the petitioner's rescue. The petitioner has to necessarily move the jurisdictional Civil Court for getting a declaration that her husband is no more. The petitioner has to file a declaration suit seeking declaratory relief. As and when such a plaint is filed, it should be numbered immediately. Enquiry shall be conducted and disposal shall be given within a period of four months thereafter. After the petitioner obtains an appropriate declaration from the jurisdictional Civil Court, the petitioner can approach the second respondent for issuance of legal heir certificate. The second respondent shall conduct enquiry and issue legal heir certificate within a period of six weeks thereafter.



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4.This writ petition is disposed of with the aforesaid directions. No costs.

**25.03.2024**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
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To:-

1.The District Collector,  
Sivagangai District,  
Sivagangai.

2.The Thasildhar,  
Ilaiyankudi Taluk,  
Sivagangai District.



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**G.R.SWAMINATHAN, J.**

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