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W.P.(MD)NO.16211 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.16211 of 2024

C.Suresh Kumar

... Petitioner

Vs.

1. The District Collector,
Tenkasi District.

2. The Revenue Divisional Officer,
Sankarankoil,
Tenkasi District.

3. The Tahsildar,
Sankarankoil,
Tenkasi District.

4. The Sub Registrar,
Karivalamvantha Nallur,
Sankarankoil,
Tenkasi District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to conduct statutory enquiry through their subordinates, issue the death certificate and legal heir certificate of the petitioner's father Late S.Chellasamy, S/o.Subbiah Thevar, died on 30.08.1982.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.K.Balasubramani,
Special Government Pleader.

* * *

**ORDER**

Heard the learned counsel on either side.

2. One S.Chellasamy was murdered on 30.08.1982 in Sankarankoil. The wife of the deceased was implicated as an accused. The case ended in conviction in S.C.No.147 of 1982 on the file of the Additional Sessions Court, Tirunelveli on 19.02.1983. Questioning the same, the wife of the deceased namely, Shanthi filed CrI.A.No.131 of 1983 before the Madras High Court. On 14.08.1985, the appeal was allowed and Shanthi was acquitted. The said Shanthi is said to be alive. The petitioner claims to be the son of the deceased Chellasamy. He wants death certificate as well as legal heir certificate. Since the death of Chellasamy is beyond dispute, there is no need to insist on production of death certificate. The scope of the enquiry can be confined to issuance of legal heir certificate alone. When the petitioner moved the third respondent, the third respondent informed the petitioner that the documents are not available.



3. The petitioner is permitted to submit proper representation before the third respondent. The petitioner will furnish a copy of the judgment rendered by the High Court in Crl.A.No.131 of 1983. The third respondent will permit the petitioner to adduce evidence. The third respondent is directed to issue legal heir certificate for the deceased Chellasamy within a period of three months from the date of receipt of a copy of this order. This writ petition stands disposed of accordingly. No costs.

22.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

1. The District Collector,
Tenkasi District.
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Sankarankoil,
Tenkasi District.
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Tenkasi District.
4. The Sub Registrar,
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G.R.SWAMINATHAN,J.

PMU

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