



W.P.(MD)No.17409 of 2018

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.11.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.17409 of 2018

and

W.M.P.(MD)No.15304 & 15305 of 2018

S.Alagarsamy

... Petitioner

/Vs./

1.The District Collector,  
Virudhunagar District,  
Virudhunagar.

2.The District Revenue Officer,  
Virudhunagar District,  
Virudhunagar.

3.The Revenue Divisional Officer,  
Aruppukkottai,  
Virudhunagar District.

4.The Tahsildar,  
Tahsildar Office,  
Aruppukkottai Taluk,  
Virudhunagar District.

5.Ramesh Kumar

6.Muthulakshmi

... Respondents



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**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 4<sup>th</sup> respondent in Na.Ka.No.A4/2063/2018 dated 17.07.2018 and quash the same and consequently direct the respondent No.1 to 4 respondents herein to cancel the death certificate of Dhanasekaran son of Mallaiah Naicker dated 01.03.2018.

For Petitioner : Mr.PR Boomee Rajan

For Respondents : Mr.D.Gandhiraj (R1 to R4)

Special Government Pleader

Mr.V.Perumal (R5 & R6)

### **ORDER**

This writ petition has been filed challenging the order passed by the fourth respondent, dated 17.07.2018, thereby rejected the request made by the petitioner, to cancel the death certificate of one Dhanasekaran, issued in favour of the fifth respondent.

2. Heard the learned counsel on either side and perused the materials placed before this Court.



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3. The petitioner had purchased the property comprised in S.No. 11/2, New S.No.11/1C2, measuring to an extent of 1868.34 sq.ft under patta No.10089 situated at Plot No.1, Thendral Nagar, Velayuthapuram Village, Aruppukkottai, by the registered sale deed dated 06.08.2013. Thereafter, the petitioner constructed a house and living there. Originally, the subject property belonged to one Mallaiah Naicker, who sold out the same to third parties. The fifth respondent is claiming to be the legal heir of the said Mallaiah Naicker and claiming title over the subject property. Therefore, the petitioner filed a suit for declaration in respect of the subject property in O.S.No.249 of 2018 before the Sub Court, Aruppukkottai and it is pending. The fifth respondent was issued the death certificate of his deceased father, Dhanasekaran, as the said Dhanasekaran was born to one Mallaiah Naicker.

4. Now, the petitioner disputed the said fact that the said Dhanasekaran was not born to Mallaiah Naicker. On the application submitted by the petitioner, the fourth respondent, after detailed enquiry found that the said Mallaiah Naicker got married to one Muthulakshmi and gave birth to two children. One of the children is Dhanasekaran.



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However, the said Muthulakshmi and Mallaiah Naicker got separated and the said Muthulakshmi was living separately. That apart, Dhanasekaran's all records, such as Voter ID, Aadhar Card and other documents reveal that the said Dhanasekaran was born to Mallaiah Naicker.

5. Therefore, the fifth respondent was rightly issued the death certificate of his deceased father as Dhanasekaran, S/o. Mallaiah Naicker died on 22.02.2018. The fourth respondent rightly rejected the request made by the petitioner and hence, this Court finds no infirmity or illegality in the death certificate issued by the fourth respondent and this writ petition is liable to be dismissed. This writ petition is dismissed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

**22.11.2024**

Index : Yes / No  
NCC : Yes / No  
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**G.K.ILANTHIRAIYAN, J.**

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Order made in  
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Dated:  
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