



W.P.(MD)No.22526 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 24.09.2024

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.22526 of 2024

Sethuraman

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Madurai District-625 020.

2.The Assistant Director Town Panchayat,
Office of the Assistant Director Town Panchayat,
District Collector Office Campus,
Madurai District-625 020.

3.The Executive Officer,
Paravai Town Panchayat,
Paravai, Madurai North Circle,
Madurai District-625 402.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent to consider the representation of the petitioner dated 09.05.2024 and direct the third respondent to declare the petitioner's father Mr.Palanisamy, S/o.Shanmugam Pillai as died within the time as fixed by this Court.



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For Petitioner : Mr.K.Muthu Ganesa Pandian
For R1 & R2 : Mr.D.Gandhiraj
Special Government Pleader
For R3 : Mr.S.Kameswaran
Government Advocate

ORDER

Mr.D.Gandhiraj, learned Special Government Pleader, takes notice for the respondents 1 and 2 and Mr.S.Kameswaran, learned Government Advocate takes notice for the third respondent. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.This writ petition has been filed seeking a direction to the respondents to issue legal heir certificate to the petitioner by applying the provisions available under Section 107 of the Indian Evidence Act by declaring the civil death of the petitioner's father, who is found missing from the year 2017.

3.At the outset, this Court is of the view that the prayer sought for by the petitioner cannot be maintained in a writ petition under Article 226 of the Constitution of India. The applicability of the presumption under Sections 107 and 108 of the Indian Evidence Act is based on the foundational fact that has to be established in the manner known to law before the appropriate civil Court.



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Accordingly, this writ petition is dismissed. It is open to the petitioner to file an appropriate suit before the competent civil Court to redress his grievance. No costs.

24.09.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To

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Madurai District-625 020.
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