



W.P.(MD) No.22240 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.22240 of 2018

Mayakannan

... Petitioner

Vs.

1.The District Collector,
Dindigul District.

2.The Tahsildar,
Vedasanoor Taluk Office,
Vedasandoor,
Dindigul District.

3.The Village Administrative Officer,
Vedasandoor, Vaanikarai Village,
Dindigul District.

4.The Revenue Inspector,
Vedasandoor Taluk Office,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to direct the third respondent Village Administrative Officer, Vedasandoor Taluk, to issue Death Certificate of the petitioner's late father Rengan, by mentioning the name of Packiam *i.e.*, his mother as the legal heir, dated 24.05.2018, on the basis of his representation, dated 17.09.2018, within the time stipulated by this Court.



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For Petitioner : No Appearance

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

There is no representation on behalf of the petitioner.

2. This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to direct the third respondent Village Administrative Officer, Vendasdoor Taluk, to issue Death Certificate of the petitioner's late father Rengan, by mentioning the name of Packiam *i.e.*, his mother as the legal heir, dated 24.05.2018, on the basis of his representation, dated 17.09.2018, within a time frame.

3. According to the petitioner, his father namely, Rengan died on 21.05.2018 in their Village and after the death, the third respondent Village Administrative Officer, Vaanikarai Village, Vendasdoor Taluk, Dindigul District, issued a Death Certificate, dated 24.05.2018, stating that the petitioner's mother Mrs.Packiam is the wife of Rengan. On the strength of the Death Certificate issued by the third respondent on



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24.05.2018, the petitioner approached the second respondent herein, namely, the Tahsildar, Vedaandoor Taluk Office, Vedaandoor, for issuance of legal heirship certificate. Under these circumstances, the petitioner was directed to approach the third respondent for endorsement on the said application for issuance of legal heirship certificate to be given to the petitioner.

4. It is submitted that the third respondent instead destroyed the death certificate, dated 24.05.2018 and has issued a fresh death certificate dated 31.08.2018, wherein he has mentioned the following three names as the wives of the petitioner's father late.Rengan.

- (i) late.Ramayee
- (ii) late.Periyakkal
- (iii) Packiam [the petitioner's mother]

5. It is submitted that the action of the third respondent was highly illegal and arbitrary, as only the petitioner's mother Packiam is the legally wedded wife of the petitioner's father late.Rengan.



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6. I have considered the arguments advanced by the learned Special Government Pleader for the respondents and perused the affidavit filed in support of the present Writ Petition and the documents filed by the petitioner.

7. The facts are not in dispute as far as issuance of death certificate dated 24.05.2018 and the subsequent death certificate dated 31.08.2018. The petitioner has sent a representation dated 17.09.2018 to the first respondent seeking to issue direction to the third respondent to issue a fresh death certificate deleting the name of the other two wives of the deceased Rengan in the death certificate, dated 31.08.2018. The death certificate that has been issued on 31.08.2018, would have been issued after enquiry and therefore, it cannot be straightaway inferred that the said late.Ramayee and late.Periyakkal were not the wives of late.Rengan. In case, the petitioner wants to establish that only the petitioner's mother is the legally wedded wife of his father late.Rengan, he has to file a suit after issuing notice to the legal heirs of late.Ramayee and late.Periyakkal.



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8. In view of the above, this Writ Petition is dismissed with liberty to the petitioner to approach the competent Civil Court for appropriate declaration. No costs.

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Index : Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
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C.SARAVANAN, J.

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