



W.P.No.7234 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 03.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.7234 of 2025

T.RAJA

... Petitioner

Vs

1. THE DISTRICT COLLECTOR,
PERAMBALUR,
PERAMBALUR DISTRICT.
2. THE TAHSILDAR,
VEPPANTHATTAI TALUK,
PERAMBALUR DISTRICT.
3. T. MALAR
4. T. SUGANYA

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the second respondent to issue legal heir ship certificate of Sundaram and without insisting “not traceble” certificate for man missing FIR, within a time frame to be fixed by this Court.

For Petitioner	: Mr.P.Santhosh
For R1 & R2	: Mr.R.Neelakandan Additional Advocate General Mr.R.Muthi, Government Advocate



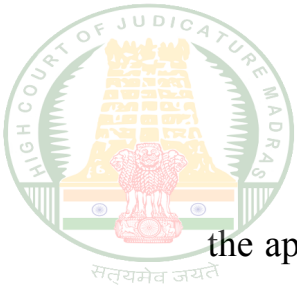
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ORDER

WEB COPY The writ petition is filed for a mandamus directing the second respondent to issue a legal heirship certificate of Sundaram and without insisting on a “not traceable” certificate for the man missing FIR, within a time frame to be fixed by this Court.

2. The grievances of the petitioner is that the petitioner's grandfather, Sundaram, became mentally ill and was in the care of his grand mother. Thereafter, he went missing a long time ago. Therefore, relying upon the judgment of this Court in W.P.(MD.)No. 5252 of 2024, the petitioner approaches this Court to direct the respondent authorities to grant a legal heirship certificate.

3. It is true that in the aforesaid judgment, this Court held that, under certain circumstances, it is not necessary to approach the Civil Court and the Tahsildar himself can decide the issue. However, in this case, not even a man missing FIR has been lodged. Therefore, the facts as to when the person went missing and whether he has indeed gone missing need to be established before



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the appropriate Civil Court. In this case, there is not even a first information report and no concrete date is mentioned of the day on which the petitioner's grandfather went missing. This may not be an appropriate case for this Court to exercise the jurisdiction. The petitioner shall approach the appropriate Civil Court for a declaration of civil death, upon which the appropriate authorities will issue the legal heriship certificate.

4. With the above liberty kept open to the petitioner, this writ petition stands disposed of. No costs.

03.03.2025

Neutral Citation: Yes/No
nsl

To

1. THE DISTRICT COLLECTOR,
PERAMBALUR,
PERAMBALUR DISTRICT.
2. THE TAHSILDAR,
VEPPANTHATTAI TALUK,
PERAMBALUR DISTRICT.

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nsI

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