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W.P.No.36725 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 07.04.2025**

**CORAM :**

**THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.36725 of 2024

A.R.Jayalakshmi

.. **Petitioner**

**Vs.**

The Tahshildar  
Mylapore Division,  
No.28, Pasumpon Muthuramalingam Salai,  
Raja Annamalaipuram, Chennai-600 028.

.. **Respondent**

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondent herein to issue the legal heir certificate of A.R.Raghavan to the petitioner by holding a summary enquiry and pass such further or other orders.

For the Petitioner : Mr.N.Karthikeyan

For the Respondent : Mr.R.Neelakandan  
Additional Advocate General  
Assisted by  
Dr.S.Suriya, AGP



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## **ORDER**

This Writ Petition is filed for a Mandamus or any other writ order or direction, in the nature of a writ, directing the respondents herein to issue legal heirship certificate in respect of death of *A.R.Raghavan*, husband of the petitioner

2. The case of the petitioner is that she is now aged about 72 years and got married to the said *Raghavan*. The said *Raghavan* went missing from her home from the year 2014 and is not heard of till date. The petitioner had only one son, who also unfortunately passed away, due to Covid. Therefore, some of the ancestral properties are left behind by the petitioner's husband and the petitioner is not even in a position to deal with the same and she is in dire need at this advanced stage.

3. *Mr.R.Neelakandan*, the learned Additional Advocate General appearing on behalf of the respondent would submit that the revenue authorities are not competent to decide the issue and in this case, police complaint with regard to



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the missing of petitioner's husband has not been filed.

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4. On perusal of the public notice that is published in hindi by the petitioner, it seems that the petitioner's husband has left from Rishikesh on 15.01.2015 and thereafter, never returned home. Obviously, it seems that the petitioner's husband has renounced the world and left in spiritual pursuits. It is exactly for the said reason, the provisions relating to civil death has been incorporated in law and the learned counsel for the petitioner relies upon the Judgment of the Madurai Bench of this Court dated 14.06.2024 in W.P.(MD) No.5252 of 2024.

5. Upon careful perusal of the records filed along with the Writ Petition, I am of the opinion that this is one of the deserving cases where the petitioner's husband has left home due to his spiritual pursuits, and for all practical purposes, it can now be presumed to be a case of civil death with respect to the petitioner's husband, as seven years have passed. However, the only difficulty in this case is that the revenue authorities themselves cannot be required to pass



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orders relating to the presumption and the date of disappearance, etc. Nevertheless, the petitioner should be in a position to enjoy the properties at the earliest.

6. In view thereof, this Writ Petition is disposed of on the following terms:-

(i) Since the respondent – the Tahsildar, Mylapore Division, Chennai, is not accepting the petitioner's case, by arraying the said respondent as defendant, a civil suit can be filed by the petitioner, with appropriate prayers of declaration relating to civil death;

(ii) The Civil Court shall consider the case as an extraordinary case, since the person is missing from the year 2015 and the petitioner is also of advanced years of age. The first date of hearing shall be fixed within 15 days of the date of numbering of the suit and hearings shall be conducted as expeditiously as possible and the suit be disposed of within a period of two months from the date of filing of the suit;

(iii) The parties shall act on the web copy of this order, without waiting



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for the certified copy;  
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(iv) No costs.

07.04.2025

Neutral Citation : No

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To  
The Thashildar  
Mylapore Division,  
No.28, Pasumpon Muthuramalingam Salai,  
Raja Annamalaipuram, Chennai-600 028.



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**D.BHARATHA CHAKRAVARTHY, J.**

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