



W.P(MD)No.16392 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD).No.16392 of 2025

T.Murugesan

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
At Nagercoil.

2.The Tahsildar,
Kalkulam Taluk,
Kanniyakumari District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the second respondent to issue legal heir certificate to the petitioner's undetected daughter Nishanthi, by considering the petitioner's representation dated 22.04.2025.

For Petitioner : Mr.A.Balakrishnan

For Respondents : Mr.D.Ghandiraj
Special Government Pleader



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ORDER

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This writ petition has been filed to direct the second respondent to issue legal heir certificate to the petitioner's undetected daughter Nishanthi, by considering the petitioner's representation dated 22.04.2025.

2.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3.The petitioner is the father of one Nishanti, who went missing about seven years ago. Under these circumstances, the petitioner has approached the respondents requesting the issuance of a legal heir certificate, invoking the legal presumption that a person who has not been heard from for more than seven years is presumed to be deceased. It appears that an FIR was also registered before the second respondent Police station in Crime No. 446 of 2016 on 04.07.2016, pursuant to the complaint lodged by the petitioner. The petitioner had previously approached this Court in Crl.O.P.(MD).No.18805 of 2019, under Section 482 of Cr.P.C., seeking direction to the second respondent to produce the person or body of his daughter, who was then aged about 23 years, who apparently went missing from 15.06.2016. However, the



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petition was disposed of as the petitioner had failed to give instructions.

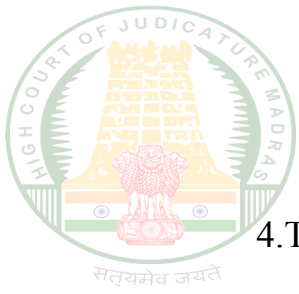
While disposing of the above CrI.O.P.(MD).No.18805 of 2019, this Court had ordered as under:

This petition has been filed seeking direction to the 2nd respondent to produce the person or body of the detenue namely Nishanthi, D/o Murugesan, aged about 23 years, who has been missing from 15.06.2016.

2.When the matter is taken up for hearing, the learned counsel for the petitioner submitted that he is not in a position to contact the petitioner. The official from the second respondent present and produced the CD file. Perusal of the CD file shows that the daughter of the petitioner namely Nishanthi, was studying B.A. IInd Year in Lekshmpuram Arts College, Kanniyakumari District. It is also seen that she married one Jegan and thereafter their whereabouts is not known. Phone numbers of the above said persons have not been received.

3.Considering the facts and circumstances of the case, let the investigation be completed by the second respondent within a period of six months from the date of receipt of a copy of this order by taking effective steps.

4.With the above directions, this criminal original petition is disposed of..



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4.The FIR in Crime No. 446 of 2016 indicates that the petitioner has also not cooperated with the respondent. Be that as it may, the final report was filed under Section 193 of Bharatiya Nagarik Suraksha Sanhita, 2023.

5.In view of the above facts discussed above, the petitioner cannot expect issuance of a legal heir certificate merely because the petitioner has presumed that the petitioner's daughter has been missing for more than seven years and is reportedly dead. At best, the petitioner has to approach the civil Court by including the revenue authority for a declaration that the petitioner's daughter is no longer there and the petitioner is entitled to get a legal heir certificate.

6.Accordingly, this writ petition stands dismissed with liberty to the petitioner to approach the civil Court for appropriate relief. No costs.

19.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
vsg



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C.SARAVANAN, J.

vsg

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