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W.P.No.33914 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.09.2025

CORAM

THE HONOURABLE Mr.JUSTICE **M.DHANDAPANI**

W.P.No.33914 of 2025

Neelaveni

.. Petitioner

Versus

1. The District Revenue Officer
Tiruppur District, Tiruppur.
2. The Revenue Divisional Officer
Tiruppur Revenue Division
Tiruppur.
3. The Tahsildar
Tiruppur North Taluk
Tiruppur.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned communication of the 2nd respondent in OO.Mu.No.3060/2025/Aa2 dated 27.05.2025 and to quash the same as being arbitrary illegal and unsustainable in law, and to consequently direct the respondents 2 and 3 to issue the Legal Heir Certificate of Manivasagam, Son of Palanisamy in favour of the petitioner.

For Petitioner : Mr.C.S.Saravanan

For Respondents : Mr.T.M.Rajangam, GA

ORDER



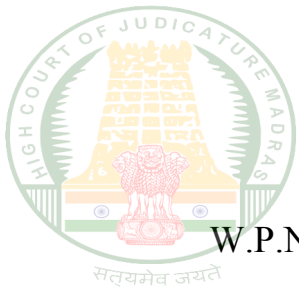
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The petitioner's husband, namely, Manivasagam, is found missing since the year 2006 and, therefore, the petitioner made an application on 30.04.2025 for issuance of death certificate. The said request was rejected by an order dated 27.05.2025 challenging which the present writ petition is filed.

2. The learned counsel appearing for the petitioner submits that the impugned order has been passed in terms of G.O.(Ms) No.324 dated 28.06.2023, wherein it is indicated the petitioner has to work out her remedy before the Civil Court. Learned counsel for the petitioner placed reliance on the order passed by a learned single Judge of the Madurai Bench (G.R.Swaminathan, J.) in W.P.(MD)No.5252 of 2024 dated 14.06.2024 wherein it has been held that the Revenue Authorities are the appropriate authorities to decide the subject matter for issuance of death certificate and, therefore, pleads that similar order may be passed in the present case as well.

3. On the other hand, the learned Government Advocate appearing for the respondent submits that another learned single Judge (Pushpa Sathyanarayana, J. - as Her Ladyship then was) in



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W.P.No.14233 of 2020 dated 28.10.2020, wherein it has been held that the proper course for obtaining death certificate in respect of a person, who is not traceable is for the individual to work out the remedy before the appropriate Civil Court.

4. This Court perused the order passed by the learned single Judges of this Court in W.P.(MD)No.5252 of 2024 dated 14.06.2024 and W.P.No.14233 of 2020 dated 28.10.2020 and finds that differing views have been expressed by the learned Judges by placing reliance upon certain decisions, which clearly shows that there are divergent views which is the appropriate course to be followed while seeking death certificate in respect of a person, who has not been seen for more than seven years. Therefore, in the fitness of things, the matter should be deliberated by a Division Bench to give a quietus to the issue as passing any order one way or the other would only result in more confusion not only amongst the lawyers, but also amongst the litigant public.

5. In view of the conflicting decisions rendered by two different learned Judges of this Court, this Court, while framing the following question for consideration, directs the Registry to place the



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matter before the Hon'ble Chief Justice for listing the matter before the

WEB CODE: Division Bench for an authoritative pronouncement :-

“In respect of a person, who is missing for more than seven years, whether the remedy to an individual to obtain a death certificate in respect of such person would be before the Civil Court or before the revenue authorities.”

08.09.2025

Index:Yes/No;
Internet:Yes/No
Speaking /Non speaking Judgment
ssd



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M.DHANDAPANI, J.,

ssd

To

1. THE DISTRICT REVENUE OFFICER
TIRUPPUR DISTRICT, TIRUPPUR.
2. THE REVENUE DIVISIONAL OFFICER
TIRUPPUR REVENUE DIVISION, TIRUPPUR
3. THE TAHSILDAR
TIRUPPUR NORTH TALUK, TIRUPPUR

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