



2023/KER/54745

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

TUESDAY, THE 12<sup>TH</sup> DAY OF SEPTEMBER 2023 / 21ST BHADRA, 1945

WP(C) NO. 1293 OF 2023

**PETITIONERS:**

- 1 SUSEELA
- 2 MEENA DEVI
- 3 MAYA DEVI

BY ADVS.  
T.D.SUSMITH KUMAR  
T.O.DEEPA  
C.SIVADAS

**RESPONDENTS:**

- 1 STATE OF KERALA  
REPRESENTED BY SECRETARY,  
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM, PIN - 695001
- 2 DISTRICT COLLECTOR  
OFFICE OF THE COLLECTOR OFFICE, CIVIL STATION,  
KALPETTA, WAYANAD, PIN - 673122
- 3 REVENUE DIVISIONAL OFFICER  
OFFICE OF THE REVENUE DIVISIONAL OFFICER WAYANAD,  
MANANATHAVADY P.O, WAYANAD, PIN - 670645
- 4 TAHSILDAR  
MANANATHAVADY TALUK OFFICE, MANANATHAVADY P.O,  
WAYANAD, PIN - 670645
- 5 VILLAGE OFFICER  
MANANATHAVADY VILLAGE OFFICE, MANANATHAVADY P.O,  
WAYANAD, PIN - 670645  
SMT.VIDYA KURIAKOSE[GP]

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
12.09.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



## **JUDGMENT**

The petitioners seek that competent among the respondents be directed to issue them a Legal Heirship Certificate because, the husband of the first among them - Sri.Rajendran, has been missing as early as from 20.06.2002. They say that Sri.Rajendran left home usually on the afore date, but never returned; and that, even though First Information Reports (FIR) were registered by their relatives, it do not bear any fruit. They say that, therefore, they are now entitled to obtain a Legal Heirship Certificate with respect to him and that the Authorities are obligated to grant it, without insisting on a "Man Missing Certificate".

2. The afore submissions of Smt.T.O.Deepa - learned counsel for the petitioners, were answered by Smt.Vidya Kuriakose - learned Government Pleader, saying that as long as there is nothing concrete to establish that Sri.Rajendran is missing and that he is perhaps not alive, a Legal Heirship Certificate, as requested by the petitioners, cannot be granted. She explained that even though the petitioners say that an FIR was registered by their relatives, nothing has been placed on record; and that, as per her instructions, no such has been registered. She submitted that, therefore, she leaves this Court to issue appropriate orders.



3. When I evaluate the afore submissions, it is evident that a Legal Heirship Certificate can be granted only if there is a legally sanctioned presumption possible, or if it is factually assessed that Sri.Rajendran is now no more. For this, certainly, an enquiry is required to be done by the Police, which does not appear to be done until now.

4. This Court is persuaded to say as afore because, it is certainly possible that Sri.Rajendran is still available somewhere, perhaps being without the capacity to contact the petitioners for some reason; and it is, therefore, in their interest also that he is traced out, if possible.

In the afore circumstances, this writ petition is allowed with the following directions:

(a) I direct the petitioners to register an FIR with the jurisdictional Police Station within a period of ten days from the date of receipt of a copy of the judgment as regards the factum of Sri.Rajendran being missing from 20.06.2022.

(b) The Station House Officer of the jurisdictional Police Station will, thereupon, cause an investigation into the whereabouts of Sri.Rajendran and will complete the same within a period of one



month thereafter.

(c) On completion of the enquiry as afore and based on the report to be issued to the petitioners by the Police, they will be at full liberty to approach the 4<sup>th</sup> respondent - Tahsildar, for issuance of a Legal Heirship Certificate; which shall then be considered in terms of law and if they are found entitled, to be issued to them within a period of one month from the date on which such request is made.

**Sd/ -**

**DEVAN RAMACHANDRAN**

**JUDGE**

**MC/12.9**



**APPENDIX OF WP(C) 1293/2023**

PETITIONER EXHIBITS

- Exhibit P-1            A TRUE COPY OF THE APPLICATION DATED  
11/07/2022 SUBMITTED BY THE 1ST PETITIONER  
TO THE 4TH RESPONDENT.
- Exhibit P-2            A TRUE COPY OF THE JUDGEMENT ROHINI VS.  
TAHSILDAR [MANU/KE/2011/2021=WP(C) NO.9657  
OF 2021].
- Exhibit P-3            A TRUE COPY OF THE LETTER DATED 30/08/2022  
ISSUED BY THE 4TH RESPONDENT-TAHSILDAR.
- Exhibit P-4            A TRUE COPY OF THE LETTER DATED 08/10/2022  
ISSUED BY THE 4TH RESPONDENT-TAHSILDAR.