

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.29151 of 2014

A.Radha

.. Petitioner

Vs.

1.The Tahsildar
No.5, Trunk Road
Poonamallee Taluk
Chennai 600 056.

2.Shakuntala

(R2 impleaded as per order made in M.P.No.1 of 2014
in W.P.No.29151 of 2014) .. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus to direct the first respondent to issue the legal heir certificate including the names of second wife children of deceased Adikailasam's in it.

For Petitioner : Ms.A.Farhath Begum

For Respondents : Mrs.P.Rajalakshmi, -R1
Govt.Advocate

Mr.T.C.S.Raja Chockalingam-R2

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.Heard Ms.A.Farhath Begum, learned Counsel appearing for the petitioner and Mrs.P.Rajalakshmi, learned Government Advocate, appearing for the first respondent and Mr.T.C.S.Raja Chockalingam, learned counsel appearing for the second respondent.

3.The petitioner has come forward with this Writ Petition for issuance of a writ of mandamus to direct the first respondent to issue the legal heir certificate, including the petitioner's mother

name and her children as legal heirs of Adikailasam, on the ground that her mother Devagi is the second wife of Adikailasam.

4.The learned counsel for the second respondent submitted that the second respondent is the only legally wedded wife of Adikailasam and the petitioner's mother is not the legally wedded wife and he never had two wives.

5.In the light of the above dispute, the same cannot be adjudicated by the Revenue Tahsildar and the petitioner has to necessarily seek the relief from the Civil Court.

6.Accordingly, the Writ Petition is disposed of by giving liberty to the petitioner to approach the Civil Court for necessary relief. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

rpa

To

1.The Tahsildar
No.5, Trunk Road
Poonamallee Taluk
Chennai 600 056.

+1cc to Government Advocate Sr.6656

+1cc to M/s A.Farahath Begam Advocate Sr.6200

+1cc to M/s.T.C.S.Raja Chockalingam Advocate SR.6449

VSN(CO)

rvr

21/02/2015

W.P. No.29151 of 2014