

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2015

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.35211 of 2015

Mr.E.Saravanan

..Petitioner

Vs.

1 The Tahsildar
Gingee Taluk Villupuram District.

2 The Revenue Inspector
Sathampatti Village Gingee Taluk
Villupuram District.

..Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for records on the 1st Respondent in Na.ka.No.A5 /12395/ 2014 dated 17.07.2015 and quash the same and also direct the Respondent to issue the Legal heir certificate including petition a step-mother.

For Petitioner .. Mr.D.Kanagasundaram

For R1 & R2 .. Mr.V.Subbiah Spl.G.P

A perusal of the impugned order would show that the petitioner's father after the death of his mother married her sister. Thereafter, the petitioner's father died. It also shows that the petitioner's father did not have any surviving father or mother. The petitioner and her sister Gajalakshmi are the original heirs. Apart from that, petitioner's father married another woman, namely, Malar, who is none other than the sister of his mother. After the demise of his father, the petitioner made an application to the first respondent for issuance of legal heirs including the petitioner's mother's sister. But the said application was rejected on the ground that the petitioner's father had two wives and informed him to seek remedy for legal heir certificate through court of law.

2. Heard the submissions of the learned counsel for the petitioner and Mr.V.Subbiah, learned Special Government Pleader, who takes notice for R1 and R2.

3. Even in the order impugned, it is stated that the second marriage took place after the death of the petitioner's mother.

4. Therefore, this Court is of the view that there is absolutely no basis for rejecting the request made by the petitioner particularly, when the mother died long back and thereafter, his father married his own sister-in-law. Thus, the order impugned directing the petitioner to approach the Civil Court, cannot be sustained in the eye of law.

5. Accordingly, the order impugned is set aside and consequently, respondent No.1 is directed to issue legal heir certificate entering the name of the petitioner, his sister, Gajalakshmi and the wife of petitioner's father, Malar within a period of four weeks from the date of receipt of a copy of this order.

6. Writ petition is disposed of accordingly. No costs.

kua

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Tahsildar,
Gingee Taluk, Villupuram District.
2. The Revenue Inspector,
Sathampatti Village, Gingee Taluk,
Villupuram District.

+ 1 cc to Mr.D.Kanagasundaram, Advocate Sr 66958.

+ 1 cc to The Govt.Pleader, Sr 66935.

SV/CO

KR/17/12

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