

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.35220 of 2015

P.Dhanalakshmi

...Petitioner

-Vs-

The Tashildhar
Thiruvottiyur Taluk Thiruvottiyur

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to issue Legal Heirship Certificate of Mr.C.Pakkirisamy to the petitioner.

For Petitioner : Mr.K.Prabhakaran

For Respondents: Mr. D.Suriya Narayanan
Government Advocate

O R D E R

The petitioner has filed this writ petition to issue legal heirship certificate on the demise of C.Pakkirisamy. Petitioner's claim is that she is the lawful wedded wife of Pakkirisamy and she has three daughters out of the wedlock. The allegation is that the petitioner's husband had illegal intimacy with one Indira and it is not in dispute that there are two children out of the said intimacy.

2. Now, the dispute is with regard to issuing of legal heirship certificate. The petitioner herself has admitted that the said Indira is refusing to co-operate with the enquiry and claiming exclusive right as wife of C.Pakkirisamy. In such circumstances, the respondent is justified in asking the petitioner to approach the competent Court. The competent court for that purpose is not a writ court but a civil court. Therefore, while declining the relief sought for by the petitioner, liberty is granted to the petitioner to approach the civil court of competent civil jurisdiction.

3. Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

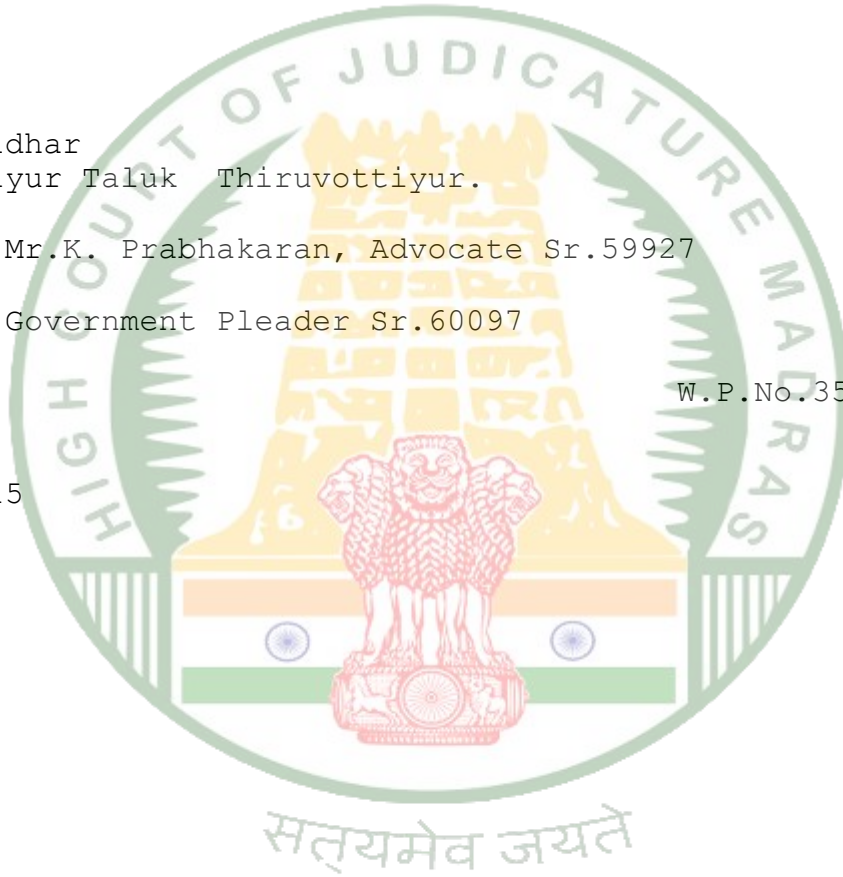
The Tashildhar
Thiruvottiyur Taluk Thiruvottiyur.

+ 1 cc to Mr.K. Prabhakaran, Advocate Sr.59927

+ 1 cc to Government Pleader Sr.60097

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SR(CO)
EU 23.11.15



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