



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2015

CORAM:

THE HONOURABLE Mr.JUSTICE R.SUBBIAH

W.P. (MD) No.12994 of 2015

Indrani

... Petitioner

Vs.

1.The Thasildar,
Periyakulam Taluk Office,
Periyakulam,
Theni District.

2.The Revenue Inspector,
Devathanapatti Sub Division,
Periyakulam Taluk,
Theni District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to impugned proceedings of the 2nd respondent in proceedings NIL, dated 29.06.2015 and to quash the same as illegal and direct the 1st respondent consider the petitioner's application dated 25.06.2015 and issue the legal heirs certificate of petitioner's deceased husband Senguttuvan within a stipulated time.

For Petitioner : Mr.M.Nallakannan
For Respondents : Mr.M.Murugan, G.A.

ORDER

The Writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records, pertaining to the impugned proceedings of the 2nd respondent vide proceedings, dated 29.06.2015, quash the same as illegal and consequently, direct the 1st respondent to consider the petitioner's application dated 25.06.2015 for issuance of the legal heirs certificate of petitioner's deceased husband viz., Senguttuvan within a time frame.

2.The case of the petitioner is that the petitioner is wife of one late Senguttuvan. Earlier, the said Senguttuvan married one Rani and due to their wedlock, they were blessed with two daughters viz., Bharathi @ Ajitha and Roopasgaya. Due to some misunderstanding between the said Senguttuvan and his wife Rani, they got separated from each other. Thereafter, the petitioner married the said Senguttuvan on 13.09.2000. The petitioner's husband died on 22.11.2013, leaving behind the first wife's daughters viz., Bharathi @ Ajitha, Roopasgaya and her son viz., Sinthanraja. All the properties stand in the name of the deceased husband. In order to get the legal heirship certificate for effecting mutation in the revenue records, the petitioner approached the 1st respondent on 25.06.2015 and submitted an application in the



prescribed format along with relevant documents. Based on the application, the Village Administrative Officer has also conducted enquiry and filed a report on 25.06.2015. However, the 2nd respondent rejected the request of the petitioner, without considering the report filed by the Village Administrative Officer on the ground that the petitioner's husband had two wives and hence, directed the petitioner to approach the appropriate Court for obtaining legal heirship certificate. Challenging the impugned order, the petitioner is before this Court with the present Writ petition for the aforesaid prayer.

3. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents.

4. Since the **(*)first respondent** is the competent authority for issuance of the legal heirship certificate, the impugned order dated 29.06.2015 is quashed and the **(*)1st respondent** is directed to conduct an enquiry based on the report **(*)Submitted by the second respondent** and pass appropriate orders on merits and in accordance with law, within a period of **(*)four weeks from** the date of receipt of a copy of this order.

5. The Writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(RTI)

(*)Corrected vide order dated 24.11.2015

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar.

To

to substituted to the order already despatched on 24.08.2015

1. The Thasildar,
Periyakulam Taluk Office,
Periyakulam,
Theni District.

2. The Revenue Inspector,
Devathanapatti Sub Division,
Periyakulam Taluk,
Theni District.

+1CC to Mr.M.Nalla Kannan Advocate SR.No.44887
+1CC to Spl.Government Pleader SR.No.44918

GJM-19.8.15-2P-5C

rg.26.11.2015 GSV/P M/SAR-II 2P/5C

W.P. (MD) No.12994 of 2015

Dated: 06.08.2015