



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2015

Coram

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P. (MD) .No.14850 of 2015

B.Kasi Viswanathan

:Petitioner

vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Thiruppathur,
Sivagangai District.

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus, directing the 2nd respondent to issue the legal heir certificate of the petitioner's wife Vasantha to the petitioner, within a stipulated time.

For Petitioner

:Mr.S.Kameswaran

For Respondents

:Mr.S.Kumar

Addl. Govt. Pleader

ORDER

The Writ Petition has been filed praying for issuance of a Writ of Mandamus, directing the 2nd respondent to issue legal heir certificate of the petitioner's wife Vasantha, to the petitioner, within a stipulated time.

2. The case of the petitioner is that he was a retired Sergeant in the Indian Air Force. He is a senior citizen and he is aged about 82 years old. The petitioner got married to one Lakhmi. Subsequently, he got married for the second time to one Vasantha, who is the sister of the petitioner's first wife. The petitioner was provided with Family Card, by including his wives names and first wife children. The Election Commission of India had also issued Voter ID in the name of his second wife Vasantha. The petitioner was holding an account in the Indian Bank, Thiruppathur Branch, having Account No.6151618136. The petitioner's 2nd wife Vasantha had Fixed Deposit amount of Rs.2,50,000/- in the above said Bank, on 02.08.2012). The petitioner's 2nd wife Vasantha had another Fixed Deposit in the above said Bank for a sum of Rs.2,12,000/-, on 13.02.2014. The petitioner's wife was holding an account in the Pandian Grama Bank, Thiruppathur Branch, Sivagangai District, having account No.519401000000896. The petitioner's wife had died on 03.02.2015. Thiruppathur Selection Grade Town Panchayat has also issued her Death Certificate to him on 25.02.2015. Thereafter, the petitioner approached the Bank officials and requested them to return his second wife



Vasantha's Fixed Deposit amount and he has also furnished her death certificate. The Bank official had informed the petitioner to furnish the legal heirs certificate. Hence the petitioner approached the 2nd respondent on 27.04.2015 in person and requested him to issue legal heir certificate for his second wife Vasantha and the same was not considered. Again he made a representation by registered post on 25.07.2015. Even the said representation was not considered. Hence, the present writ petition.

3. I have heard the submissions made on either side and perused the materials available on record.

4. Considering the facts and circumstances, without going into the merits of the case, this Court directs the 2nd respondent to consider the representation of the petitioner, dated 25.07.2015, and pass appropriate orders on the same on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Thiruppathur,
Sivagangai District.

+1cc to the Special Govt., Pleader in SR.47777
+1cc to Mr.S.Kameshwaran, Advocate in SR.47239

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mpk

PBK/AAL/APT/SAR(J) 31.08.2015 ::2P-5C::