

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.36788 OF 2015

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ORDER :

Petitioner, who claims to be the wife of one Rajaiah, questions the Endorsement, dated 18-08-2015, given by the 3rd respondent, on her request for issuance of Family Member Certificate. The Endorsement reads as follows:-

“As per Govt. Memo No.31346 Ser II 2 2010, Dt 25.10.2010, Tahsildars are competent to issue FMC to Government Employees and to receive Govt. dues only hence your application is rejected.”

Since the endorsement was cryptic, while ordering notice before admission, this Court directed the learned Government Pleader for Revenue to get instructions.

Learned Government Pleader for Revenue has received instructions and reported to this Court that the said Rajaiah had more than one wife and therefore, the request of the petitioner was rejected by giving endorsement as above.

Since the said instructions were not informative, learned Government Pleader was required to get detailed instructions.

Today, learned Government Pleader has received instructions and submits that the said Rajaiah, who was working as Head Master at Primary School, Fareedpur Tanda, Medak Mandal and District, died in harness on 29-06-2015 and a Family Member Certificate is sought by the petitioner stating that she is the wife of Rajaiah and she has one son viz., Master Manikanta and two daughters viz., Kumari Renuka and Kumari Meena aged 6 years, 5 months and 5 months respectively.

The instructions further state that during enquiry, it was revealed that one S.Jhansi Rani claiming to be the daughter of late Rajaiah also filed an application through Mee-Seva on 10-07-2015 and requested for issuance of Family Member Certificate. Thus, on finding that there are rival claims for Family Member Certificate, following the Government

Memo No.11496/Ser.II (2)/2013-2, dated 25-06-2013, wherein it is stated that when the dispute is of civil in nature i.e., in cases of multiple wives etc., the Family Member Certificate cannot be issued by the 3rd respondent. Hence, the endorsement, as above, was given to the petitioner as well as to the said Jhansi Rani. The 3rd respondent also explains that rejection being on Mee-Seva there is a limitation of characters to be typed, thereby full information regarding rejection could not appear in the endorsement. However, it is stated that in view of the dispute, the parties may approach competent civil court for succession.

The aforesaid instructions were handedover to the learned counsel for the petitioner to enable him to appraise of what is stated therein.

Learned counsel for the petitioner, however, submits that the impugned endorsement being cryptic, no details are forthcoming and the matter be remitted to the 3rd respondent for passing appropriate orders.

I am not inclined to accept the said request as it is apparent that there are rival claims between the petitioner and the third party, which cannot be resolved by the revenue authorities in any case and it is appropriate that the rightful legal heir will be determined by a competent civil court by appropriate proceedings if any plea is taken either by the petitioner or by the rival claimant. Hence, no interference is called for as no purpose would be served by remitting the matter to the 3rd respondent.

The writ petition is accordingly disposed of giving liberty to the petitioner to approach competent civil court for appropriate orders, if so desired. No costs

Miscellaneous petitions, if any, pending shall stand closed.

VILAS V.AFZULPURKAR, J

Date:15-12-2015
Prv

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

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