



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Writ Petition (MD). No.5089 of 2015

T.V.Vijayalakshmi

... Petitioner

Vs.

The Tahsildar,
Madurai South,
Madurai.

... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for the records from the respondent passed in O.MU.No. 1308/15/A1 dated 10.03.2015 and quash the same as illegal and contrary to law and to pass such further orders.

For Petitioner

:Mr.T.R.Subramanian

For Respondents

:Mr.K.Guru

Additional Govt. Pleader

O R D E R

Heard both sides.

2. The petitioner being a senior citizen is assailing the order dated 05.03.2015 (signed on 10.03.2015) passed by the respondent/Tahsildar, Madurai South as an illegal one. Also, the petitioner has sought for a relief in quashing the said order of the Tahsildar. At this stage, a perusal of the impugned order dated 05.03.2015 (signed on 10.03.2015) passed by the respondent/Tahsildar, Madurai South, indicates latently and patently that since the petitioner had not enclosed the death certificate along with her petition, it is not possible to know about the heirs of the deceased and as such, the petitioner was advised to seek relief through a Court of Law.

4. The Learned Counsel for the Petitioner contends that the impugned order of the respondent dated 05.03.2015 (signed on 10.03.2015) is an illegal and an arbitrary one, because of the fact that the said order was passed by not adhering to the principles of Natural Justice.

5. The Learned Counsel for the Petitioner brings it to the notice of this Court that the petitioner as a widow is



entitled to obtain OAP Scheme benefits from the State Government and in this regard, she has applied for the same. In spite of making many requests to issue legal heir certificate in her favour, the petitioner is not in a position to obtain the relief in question.

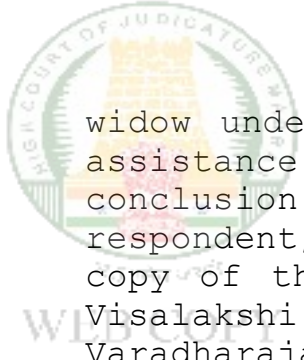
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6. The Learned Counsel for the Petitioner urges before this Court that the petitioner is the only person and nobody supports her and in fact, her deceased husband T.N.Varadharajan had married one T.V.Visalakshi (first wife) and she expired in the year 1990. After the demise of the said Visalakshi, it is the case of the petitioner that she married her husband Varadharajan (since deceased).

7. The Learned Counsel for the Petitioner projects an argument that the petitioner had filed an affidavit dated 27.01.2015, sworn to before the Notary Public of Madurai City, whereby and whereunder, she had mentioned the year of death of the first wife of her husband as '1990' and she had made an averment that during the life time of the first wife of her husband viz., Visalakshi, her husband had no children through her. Furthermore, she is the only legal heir to the deceased husband.

8. Even though the petitioner in her representation dated 04.02.2015, addressed to the District Collector, Public Information Officer, Madurai, had stated that she requires the Legal Heirship Certificate for receiving the money deposited by her deceased husband Varadharajan from the Bank and also her husband has a vacant site in his name and for change of name of the property, she requires the certificate, the petitioner, in the instant case, is handicapped in not producing the Death Certificate of the first wife of her husband viz., T.V.Visalakshi.

9. In view of the fact that the petitioner seeks Legal Heirship Certificate from the Revenue Authority/concerned Tahsildar, as the case may be and furthermore, she is very much in requirement of the said certificate, in connection with the money deposited by her husband in the Bank and also to effect name transfer in respect of the vacant land/site (belonging to her husband), this Court, without setting aside the order of the respondent/Tahsildar, Madurai South, dated 05.03.2015 (signed on 10.03.2015), provides an opportunity to the petitioner to substantiate her version/project her case before the respondent and the respondent is directed to cause an enquiry through his official (Revenue Inspector) by examining the neighbours, friends and nearby relatives of the petitioner, in connection with the death of the first wife viz., T.V.Visalakshi and to arrive at a conclusion in the subject matter in issue. In this regard, the respondent is granted four weeks time to carry out the exercise and to do the needful to the petitioner, considering the fact that the petitioner is a senior citizen and also claims the benefits as



widow under OAP Scheme. The petitioner is directed to lend her assistance and co-operation to the respondent in coming to the conclusion and that in the enquiry to be conducted by the respondent, in case, the petitioner is able to obtain a necessary copy of the document/record pertaining to the death of the said Visalakshi viz., first wife of the deceased husband viz., Varadharajan, then, it is open to the petitioner to hand over the said copy of the document/record to the respondent and the respondent, on production of the same by the petitioner, is directed to take into account and to take a final call in the subject matter in question.

10. With the aforesaid observations and directions, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To
The Tahsildar,
Madurai South,
Madurai.

+1 CC to Mr.T.R.SUBRAMANIAN, Advocate, SR No.30218
+1 CC to THE SPECIAL GOVERNMENT PLEADER , SR No.30516

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VS
SH/ARK-PV:24.06.2016:3P/4C