



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2016

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CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.22027 of 2016

C.Stewart Raj Williams

... Petitioner

Vs.

The Tahsildar/Executive Magistrate,
Office of the Tahsildar,
Sivagiri Taluk,
Tirunelveli District-627 757.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to consider the detailed representation with material evidence dated 26.4.2016 submitted by the petitioner and issue the legal heir certificate in favour of petitioner.

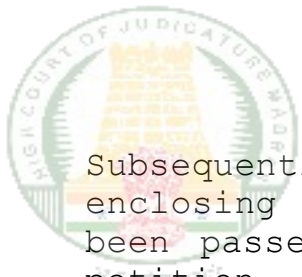
For Petitioner	: Mr.S.S.Kumar
For Respondents	: Mr.J.Gunaseelan Muthiah Government Advocate

ORDER

This writ petition has been filed directing the respondent to consider the detailed representation with material evidence, dated 26.4.2016 submitted by the petitioner and issue the legal heir certificate in favour of the petitioner.

2.According to the petitioner, his mother filed an application before the respondent, seeking a Legal Heir Certificate, after the death of her husband viz., Chinna Patel, on 22.10.2014. Earlier, the respondent/Tahsildar rejected the said request, on 24.12.2014, on the ground that on enquiry, he came to know that the deceased Chinna Patel had two wives and in the above circumstances, the respondent is not in a position to issue Legal Heir Certificate.

3.Subsequently, according to the petitioner, her mother collected materials to the effect that her husband divorced his first wife by customary divorce and the petitioner's mother name has been given as nominee in the Service Records of her husband.



Subsequently, she filed an application before the respondent enclosing all the documents. In spite of the same, no order has been passed. Hence, the petitioner/son, filed the present writ petition.

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4.The learned counsel appearing for the respondent submitted that the respondent after conducting an enquiry only, rejected the request of the petitioner. Hence, there is no necessity for considering the representation afresh.

5.In view of the above fact that the petitioner's mother is said to have furnished fresh material evidence before the respondent to show that the first wife of her husband has been divorced and subsequently, she expired, the respondent is directed to consider the petitioner's representation, dated 26.4.2016, after giving notice to the rival claimants, if any and pass suitable orders on merits and in accordance with law, by considering the materials placed before him, within a period of 12 weeks from the date of receipt of a copy of this order. The respondent/Tahsildar also directed to verify whether any legal heir is alive through the first wife of the petitioner's father, before passing the order.

6.Accordingly, this writ petition is disposed of. There shall be no order as to costs.

Sd/

Assistant Registrar(P & A)

/TRUE COPY/

Sub Assistant Registrar

To

The Tahsildar/Executive Magistrate,
Office of the Tahsildar, Sivagiri Taluk, Tirunelveli District-57.

+1cc to Special Government Pleader in SR.No.69795.

W.P(MD)No.22027 of 2016
17.11.2016

vs

msm/mpa/sarAE/28.11.16/p2/3c