



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2016

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) No.7379 of 2016

Ambujam

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Tahsildar,
Tirunelveli Taluk Office,
Tirunelveli 1.

3. The Revenue Inspector,
Tirunelveli Town,
Tirunelveli.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the second respondent to issue legal heirship certificate to the petitioner for the deceased Jeyaraj, the petitioner's husband.

For Petitioner : Mr.M.P.Senthil

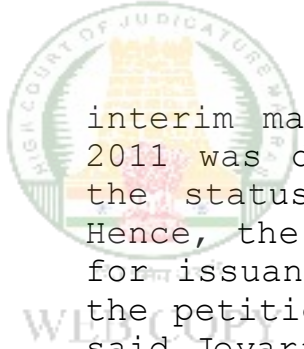
For Respondents : Mr.R.Anandaraj,
Government Advocate

ORDER

The petitioner has come up with the above writ petition seeking for the issue of a writ of mandamus, to direct the second respondent to issue legal heirship certificate stating that she is the legal heir of deceased Jeyaraj.

2.Heard the learned counsel appearing for the petitioner. Mr.R.Anandaraj, learned Government Advocate takes notice for the respondents.

3.According to the petitioner, she is married to one Jeyaraj on 09.04.2004. Thereafter, due to some misunderstanding, the petitioner's husband filed a petition for divorce in the District Court, Tirunelveli on 15.02.2011 on the file of the learned Subordinate Judge, Tirunelveli. The petitioner has also filed an interlocutory application in I.A.No.142 of 2011 seeking for



interim maintenance. In the meantime, the said H.M.O.P.No.172 of 2011 was dismissed for non prosecution on 12.03.2015. Therefore, the status of the petitioner as wife of Jeyaraj is in force. Hence, the petitioner made an application to the second respondent for issuance of legal heir certificate. It is also admitted that the petitioner did not have any child out of her wedlock with the said Jeyaraj.

4. There seems to be an objection from the brother of her husband for the petitioner claiming to be the legal heir of the petitioner's husband. It is also alleged by him that the petitioner was divorced by her husband and therefore, he is the legal heir of the deceased Jeyaraj.

5. As the parties are governed by the Hindu law, the wife would be the only legal heir. In the absence of any decree for divorce, the brother of the deceased cannot be the legal heir. Admittedly, the third respondent filed a report as early as on 28.05.2015 to the second respondent recommending that the legal heir certificate could be issued in favour of the petitioner. Since the second respondent is not acting on the same, the petitioner has come up with the above writ petition.

6. In the light of the above facts, the second respondent shall issue the legal heir certificate on the basis of the report submitted by the third respondent within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-II)

/TRUE COPY/

Sub Assistant Registrar

To

1. The District Collector, Tirunelveli District, Tirunelveli.
2. The Tahsildar, Tirunelveli Taluk Office, Tirunelveli 1.
3. The Revenue Inspector, Tirunelveli Town, Tirunelveli.

+1cc to Mr.M.P.Senthil, Advocate, Sr.No.21879

+1cc to the Special Government Pleader, Sr.No.21416

Sms