



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.07.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Writ Petition (MD). No.8291 of 2016

V.Santha

... Petitioner

Vs.

1.The District Collector,
Madurai,
Madurai District.

2.The Tahsildar,
Madurai South Taluk,
Madurai.

3.The Village Administrative Officer,
Chinthamani & Anuppanadi Village,
Madurai South Taluk,
Madurai.

... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 2nd respondent to issue Legal Heir Certificate to the petitioner by considering the petitioner's application dated 31.03.2016 and pass such further or other orders as this Hon'ble Court may fit and proper in the circumstances of the case.

For Petitioner :Mr.K.Suresh

For Respondents :Mr.J.Gunaseelan Muthiah
Government Advocate

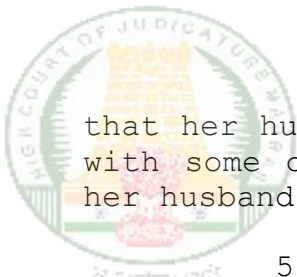
O R D E R

Heard both sides.

2. By consent, the main writ petition itself is taken up for final disposal.

3. No counter is filed on behalf of the Respondents.

4. According to the petitioner, her late husband A.Sadhanantham was working as Lab Assistant in American College, Madurai. The marriage between her and her husband viz., Sadhanantham was solemnized on 27.10.1978. Out of the said wedlock, one male child viz., Vijaya Rajesh was born on 17.06.1983. It appears that her husband already got married to one Gray Chellaiah and having three children viz., S.Shanthi, S.Jeyakeerthi and S.Sathya and the said Gray Chelliah expired in the year 1996. As a matter of fact, her husband spoke about the first marriage, at the time of his marriage with the petitioner, because of the reason



that her husband's first wife Gray Chelliah took another matrimonial life with some other person, the petitioner accepted the second marriage of her husband with her.

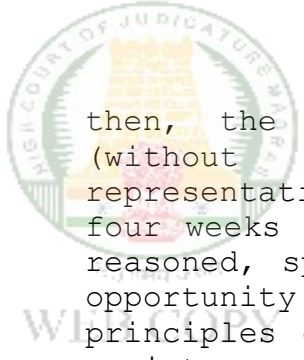
5. The stand of the petitioner is that her husband after suffering from ailment for more than 1½ years died on 03.02.2007, despite best treatment was provided to him. At that point of time, she took care of him in the hospital.

6. The plea of the petitioner is that after the demise of her husband A.Sadhanandham, she applied before the 2nd respondent, by means of a petition/application seeking Legal Heirship Certificate on 31.03.2016. In fact, her husband died on 03.02.2007.

7. At this stage, this Court, on perusal of the application/petition of the petitioner dated 31.03.2016 (seeking Legal Heir Certificate), finds that the Village Administrative Officer of 37, Chinthamani & 29, Anuppanadi Village, Madurai South Circle, had returned the application/petition of the petitioner, inter alia stating that since the petitioner's husband had two wives, they are not in a position to find out the truth. Further, he informed that through Court, the petitioner can obtain the Legal Heirship Certificate.

8. As far as the present case is concerned, it appears that the petitioner had not suppressed the factum of her husband's first wife's name and death. Notwithstanding the fact that the petitioner's husband had married two wives and the first wife Gray Chellaiah expired and also that her husband, on 03.02.2007, this court is of the considered view that when the petition of the petitioner dated 31.03.2016 (seeking for issuance of Legal Heir Certificate) was directed to be enquired into by Revenue Inspector as ordered by the Tahsildar, on 31.03.2016, yet the Village Administrative Officer of 37, Chinthamani & 29, Anuppanadi Village, Madurai South Circle had returned the said application among other things mentioning that 'there are two wives and therefore, not in a position to find out the truth' is not a correct one in the eye of Law, as opined by this Court. As such, this Court is constrained to interfere with the said order dated 31.03.2016 of the Village Administrative Officer of 37, Chinthamani & 29, Anuppanadi Village, Madurai South Circle and sets aside the same, in the interest of Justice. Consequently, the writ petition succeeds.

9. In the result, the writ petition is allowed leaving the parties to bear their own costs. In fact, this Court had set aside the order of the Village Administrative Officer of 37, Chinthamani & 29, Anuppanadi Village, Madurai South Circle, dated 31.03.2016, while allowing the present writ petition. However, in view of the relief sought for by the petitioner in the present writ petition is only for passing of an order by this Court in directing the 2nd respondent/Tahsildar, Madurai South Taluk, Madurai to issue the Legal Heir Certificate, by considering her application dated 31.03.2016, this Court directs the petitioner to resubmit her application/petition dated 31.03.2016 or in the alternative to submit a fresh representation seeking issuance of Legal Heir Certificate, within a period of two weeks from the date of receipt of copy of this order. In case, the petitioner resubmits the petition dated 31.03.2016 or submits a fresh petition, as directed,



then, the second respondent/Tahsildar, Madurai South Taluk, Madurai (without returning the same) is to look into the said representation/petition and to dispose of the same within a period of four weeks from the date of receipt of copy of this order, by passing a reasoned, speaking order on merits (of-course, after providing necessary opportunity to the petitioner and others concerned by following the principles of Natural Justice). The petitioner is directed to lend her assistance and co-operation to the 2nd respondent so as to enable him to dispose of her either the old petition dated 31.03.2016 or the fresh petition within the time determined by this Court.

Sd/

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar.

To

1.The District Collector,
Madurai,
Madurai District.

2.The Tahsildar,
Madurai South Taluk,
Madurai.

3.The Village Administrative Officer,
Chinthamani & Anuppanadi Village,
Madurai South Taluk,
Madurai.

+1CC to M/S. K.Suresh, Advocate, SR.No. 35506

+1CC to the Special Government Pleader, SR.No. 35635

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Vs

AM/NGM.MP/SAR-III/15.07.2016/3P/6C