



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2017

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WEB COPY

THE HON'BLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.79 of 2017

1.S.V.Sumithra
2.V.Sharmila

... Petitioners

-vs-

1.The Tahsildar,
Paramakudi Taluk,
Ramanthapuram District.

2.The Deputy Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandmus, calling for the records of the impugned order of the 1st respondent in O.Mu.B6/6478/2016 dated 03.08.2016 and quash the same and consequently direct the respondents to issue the legal heir certificate of deceased Dr.S.V.Venkataramana, the son of the 1st petitioner and husband of the 2nd petitioner within the time fixed by this Court.

For Petitioners : Mr.H.Arumugan

For Respondents : Mr.A.Muthukaruppan, A.G.P.

O R D E R

The petitioner has approached this Court for the relief states supra.

2.According to the first petitioner, her son Dr.S.V.Venkataramana was married twice earlier and both the marriage are dissolved by valid decrees of competent court. Thereafter, said Dr.S.V.Venkataramana married the second petitioner. The said Dr.S.V.Venkataramana, son of the first petitioner and the husband of the second petitioner had expired on 08.04.2016. On the death of said Dr.S.V.Venkataramana, the petitioners have applied for issuance of legal heir certificate to the first respondent. However, the first respondent, by impugned proceedings dated 03.08.2016 rejected



the same, directing the parties to approach the civil Court to obtain an order.

3. On behalf of the first respondent, counter affidavit has been filed, in which, it is clearly admitted that both the earlier marriages of late Dr.S.V.Venkataramana had been dissolved by the decrees of the competent Court.

4. In view of the same, learned counsel for the petitioner would submit that the impugned order may be set aside and the matter may be remitted to the first respondent for fresh consideration, in view of his own averments contained in the counter affidavit filed.

5. Heard the learned counsel appearing for the parties.

6. In view of the submissions on the averments as indicated above, the impugned proceedings dated 03.08.2016 is set aside and the matter is remitted back to the first respondent for fresh consideration on their application for issuance of legal heir certificate with reference to the averments contained in the counter affidavit filed on behalf of the first and second respondents herein. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To:

1. The Tahsildar,
Paramakudi Taluk,
Ramanthapuram District.

2. The Deputy Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

+1 CC to M/s. THE SPECIAL GOVERNMENT PLEADER, SR No. 51516

+1 CC to M/s.H.ARUMUGAM, Advocate, SR No. 51140

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PSM/RR/20.04.2017/2P/5C

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