

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.02.2018

C O R A M

THE HON'BLE Mr.JUSTICE K. RAVICHANDRABAABU

W.P.No.7564 of 2014

1.V.Sarasammal

2.V.Durga

...Petitioners

vs

1.The Tahsildar,
Egmore-Nungambakkam Taluk,
Chennai 600 031.

2.G.Rani

...Respondents

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the entire records pertaining to the order of the first respondent dated 25.02.2013 in E4/5277/2012 and quash the same and consequently directing the first respondent to issue legal heir certificate for the deceased M.P.Venkatesh in favour of the petitioners herein.

For petitioners : Mr.T.P.Sekar

For Respondents : Ms.S.Ramya Revathi for R1

Government Advocate

Mr.M.Ravindharan for R2

O R D E R

The petitioners are aggrieved against the order of the first respondent refusing to issue legal heir Certificate to the petitioners on the reason that the deceased had two wives, out of whom, the second respondent is the one and therefore, the respondent is not in a position to issue legal heir certificate, since the details of other legal heirs through the second wife could not be ascertained.

2.After notice, the matter is taken up today for further hearing. Learned counsel for the petitioners submitted that the reasoning stated by the first respondent is factually incorrect, since their father did not marry the second respondent at any point of time and therefore, the first respondent erroneously referred the second respondent as the second wife of the deceased.

3.The second respondent entered appearance through her counsel and filed a counter affidavit, wherein it is stated that she is not the wife of the deceased M.P.Venkatesh. She married one P.G.Ramiaya, who died on 19.12.1984. She further stated in her counter that she knows the deceased as a co-employee and thus, the claim of the petitioners as the legal heirs of the deceased is just and proper. She further contended that the rejection of the application of the petitioners is not fair.

4.The only reason stated by the first respondent to reject the request of the petitioners is that the second respondent is the second wife of the deceased. Now, the second respondent herself has come before this Court and filed an affidavit denying such contention. Therefore, it is seen that the first respondent has passed the impugned order, without conducting any proper enquiry and verifying the facts and materials in support of such conclusion. Consequently, the order of the first respondent impugned in this writ petition cannot be sustained. Accordingly, the writ petition is allowed and the impugned order is set aside. The matter is remitted back to the first respondent for considering the claim of the petitioners for issuing legal heir certificate and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

vri

To
The Tahsildar,
Egmore-Nungambakkam Taluk,
Chennai 600 031.

+ 1 cc to Mr.T.P.Sekar Advocate, SR.13990
+ 1 cc to The Govt.Pleader, SR.15051

W.P.No.7564 of 2014

kk(co)
nr 07/03/2018