

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2018

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.32033 of 2018

1. S.Irene
 2. S.Micheal Raj
 3. S.Patricia Elizabeth
 4. S.Margret Santhi Selvi
 5. S.Anthony Irudayaraj
- ...Petitioner
- ..Vs..

- 1.The District Collector
O/o District Collectorate
Kanchipuram District.
 2. The Revenue Divisional Officer
O/o The Revenue Divisional Officer
Kanchipuram District.
 3. The Tasildar
O/o. The Tasildar
Sriperumbudur
- ...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the third respondent bearing Reference No.NA.KA.No.2563/2018 A4 dated 06/07/2018 and quash the same & consequently direct the third respondent to issue legal heir certificate to the petitioner.

For Petitioner : Mr.J.Satheesh

For Respondents: Mr.N.Inbanathan
Additional Government Pleader

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O R D E R

By consent, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. This Writ Petition has been filed challenging the order of the third respondent bearing Reference No.Na.Ka.No.2563/2014 A4 dated 06.07.2018, whereby the request of the petitioner for issuance of the legal heirship certificate has been rejected.

3. The case of the petitioner is that he had applied for legal heirship certificate on the death of his father, who had two wives. The same has been rejected by the third respondent vide order dated 06.07.2018, stating that since the deceased father of the petitioner had two wives, legal heirship certificate cannot be issued by him. Further, it is directed that the petitioner can approach the civil Court and get the appropriate decree. Challenging the same, this Writ Petition has been filed.

4. Heard the learned counsel for the petitioner as well as Mr.N.Inbanathan, learned Additional Government Pleader who accepts notice on behalf of the respondents. Perused the materials available on record.

5. As per Clause 7 (1) of the circular No.11/2017 R.C.No.RA5 (3)/180/2017 dated 09.08.2017, the Tahsildar cannot issue Legal Heirship certificate in the cases where there is more than one wife for the deceased and such persons should be directed to approach the competent Court for obtaining Legal Heirship certificate. As the order of the third respondent is in consonance with the above said circular, this Court is of the view that the impugned order has been rightly passed and there is no infirmity in the same.

6. In view of the same, this Writ Petition stands dismissed directing the petitioner to approach the competent civil Court to get the appropriate remedy, if so advised. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector
O/o District Collectorate
Kanchipuram District.

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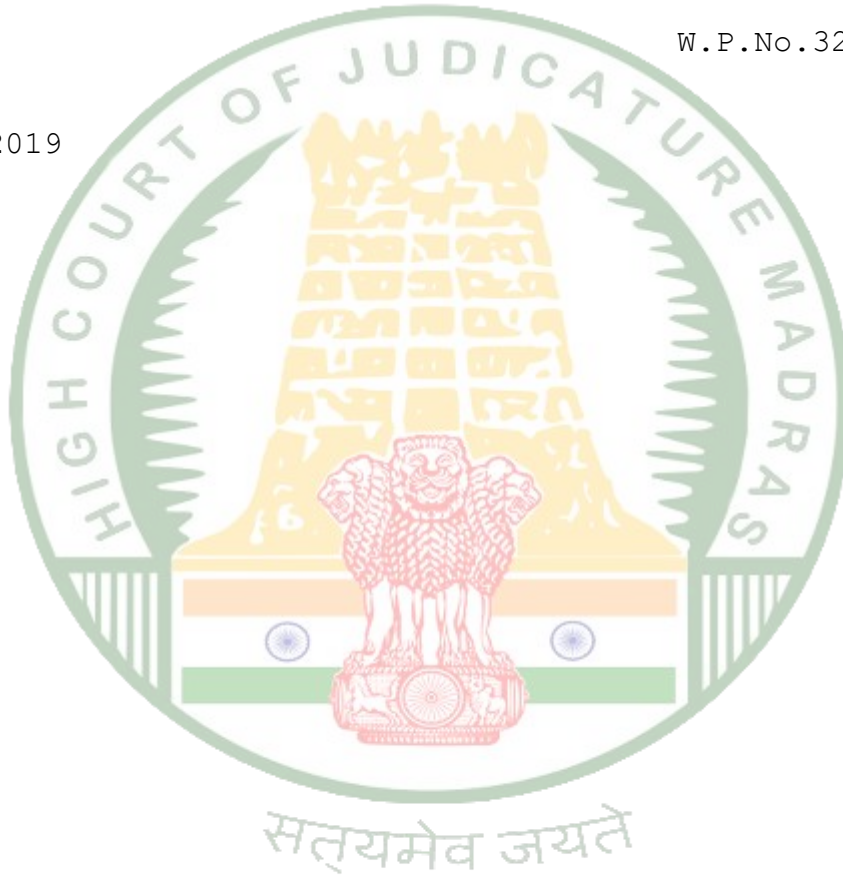
2. The Revenue Divisional Officer
O/o The Revenue Divisional Officer
Kanchipuram District.

3. The Tasildar
O/o. The Tasildar
Sriperumbudur

+2cc to Mr.J.Satheesh, Advocate sr.no.83792
+1cc to Government Pleader sr.no.84001

W.P.No.32033 of 2018

kj (co)
nr 03/01/2019



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