



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.12.2018

CORAM

THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.32834 of 2018

A.Manikandan

.. Petitioner

versus

1. The District Revenue Officer,
Collectorate, Thiruvallur District,
Thiruvallur.

2. The Tahsildar,
Maduravoyal Taluk,
Chennai - 600 095.

3. The Village Administrative Officer,
Karapakkam Village,
Thiruvallur District.

4. Manohari

5. Subha

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 05.10.2018 to issue legal heir certificate.

For Petitioner : Mr.A.Nirmal Kumar

For RR1 to 3 : Mr.E.Balamurugan,
Special Government Pleader

O R D E R

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

2. The writ petition has been filed seeking a direction to the first respondent to consider the petitioner's representation dated 05.10.2018 to issue legal heir certificate.



3. Admittedly, the petitioner and his sister were born to deceased Annappan through one Selvi, who is the second wife of the Annappan. The petitioner had made an application on 01.08.2018 to the second respondent for issuance of the legal heir certificate claiming that he and her sister are the only surviving legal heirs of the said Annappan and Selvi. The second respondent seems to have rejected his application stating that the deceased Annappan has more than one wife.

4. Heard Mr.A.Nirmal Kumar, learned counsel appearing for the petitioner and Mr.E.Balamurugan, learned Special Government Pleader appearing for the respondents 1 to 3.

5. There is a Circular No.11/2017 issued by the Principal Secretary/Commissioner of Revenue Administration in Rc.No.RA.5 (3)/180/2017 dated 09.08.2017. The said circular issued certain guidelines for issuance of Legal Heir Certificate manually.

6. In Clause 7 of the said circular General instructions are given wherein, it is stated the Thasildars shall not issue legal heir certificate and to inform the applicants to approach the Competent Court for obtaining the legal heir certificates on certain conditions. First condition is that the existence of more than one wife/husband for the deceased.

7. In this case, as there are two wives, the dispute can be resolved by the Competent Civil Court. Therefore, the prayer in the writ petition cannot be granted except directing the petitioner to approach the appropriate Civil Court for the remedy.

8. With the above directions, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The District Revenue Officer,
Collectorate, Thiruvallur District,
Thiruvallur.



2. The Tahsildar,
Maduravoyal Taluk,
Chennai - 600 095.

3. The Village Administrative Officer,
Karapakkam Village,
Thiruvallur District.

+1cc to Mr.A.Nirmal Kumar, Advocate, S.R.No.86889
+1cc to the Government Pleader, S.R.No.86739

W.P.No.32834 of 2018

EV(CO)
CS/08/01/2019