



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE **M.S.RAMESH**

W.P.(MD) No.6055 of 2018

Mariyaselvi

... Petitioner

vs.

1) The District Collector,
Kanyakumari District.

2) The Thasildar,
Vilavancode Taluk,
Kanyakumari District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 2nd respondent to issue legal heir certificate in respect of petitioner's husband namely Manonmani @ Mani within a time as framed by this Court.

For Petitioner : Mr.K.P.Narayanakumar

For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

O R D E R

The grievance of the petitioner is that, her application seeking for legal heir certificate of her late husband Manonmani @ Mani has been kept pending without passing any final orders.

2. According to the learned counsel for the petitioner, the discrepancies in the name of her husband's spelling with that of her husband's name in the death certificate issued by the authorities of the Kingdom of Saudi Arabia is being quoted as a bar for issuance of legal heir certificate. The death certificate issued by the Kingdom of Saudi Arabi dated 10.10.1430H is produced before this Court which reads the name of the deceased as Shilaban-Mony.

3. The learned Additional Government Pleader appearing for the respondents submitted that in view of the discrepancies in the death certificate they are unable to co-relate the name of the deceased with that of the petitioner's husband name.

4. It is seen that in the death certificate issued by the Kingdom of Saudi Arabia, the passport No.00137442 of the petitioner's husband is evidenced. This passport number incidentally is that of the original passport number of the petitioner's husband,



which was subsequently renewed by a new pass port No.F8697795. The learned counsel for the petitioner submits that the petitioner herein is in possession of the original passport as well as the renewed passport and she is willing to produce both the passports to the respondents for the purpose of issuing the Legal heir certificate.

5. In my view, the passport number mentioned in the death certificate issued by the Kingdom of Saudi Arabia would be sufficient for the respondents to co-relate the names found in the death certificate with that of the petitioner's husband's name as Manonmani @ Mani. As such, the second respondent would not be justified in quoting the discrepancies of the petitioner's husband name in the death certificate as a reason for not acting further on the petitioner's application for issuance of the legal heir certificate.

6. With the above observations, the petitioner is granted liberty to approach the second respondent with a fresh application along with a copy of this order, seeking for the legal heir certificate and on receipt of the same, the second respondent shall conduct an appropriate enquiry as contemplated under law and issue the legal heir certificate. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

With the above instructions and directions, this Writ Petition stand Allowed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

- 1) The District Collector,
Kanyakumari District.
- 2) The Thasildar,
Vilavancode Taluk,
Kanyakumari District.

+1cc to Mr.K.P.Narayanakumar, Advocate, SR.No.61864.
+1cc to Special Government Pleader, SR.No.62184.

Order in
W.P. (MD) No.6055 of 2018

STS

<https://hcservices.ecourts.gov.in/hcservices/>

RAM/SV MMS/SAR 3/08.05.2018/2P/5C