



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.19192 of 2018

WEB COPY

S.Mariaselvi

... Petitioner

vs.

The Tahsildar,
Vilavancode Taluk,
Office at Kuzhithurai,
Kanyakumari District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus to quash the impugned notice passed by the respondent in Mu.Mu.A3/6704/2018, dated 27.06.2018 and direct the respondent to issue the legal heir certificate to the petitioner and her two sons namely Sunny Mon and Venni Mon.

For Petitioner : Ms.M.Punitha Deva Kumar

For Respondent : Mr.A.Muthukaruppan

Additional Government Pleader

ORDER

The petitioner, on the death of her husband, who was working in defence, approached the respondent for issuance of legal heir certificate. According to the petitioner, her husband who was working in Indian Army died on 06.05.2018 leaving behind the petitioner and her two children as his legal heirs. The application was rejected by the respondent vide proceedings dated 27.06.2018 on the ground that when an enquiry was conducted, the authority could not ascertain the correct legal heirs of the deceased person and therefore, rejected the claim of the petitioner.

2. Even as per the averments of the petitioner, her husband had relationship with an other lady and has one child from the said relationship. When this is the fact, the first respondent has rightly rejected the application probably because of the rival claims and he was unable to decide as who is the legally wedded wife of the deceased person.

3. In such situation, the only course open to the petitioner is to approach the competent civil Court and declare her status as legally wedded wife. It is not for this Court which exercising its extraordinary jurisdiction under Article 226 of the Constitution of



India to go into the realm of facts and declare the true status of the petitioner as against any rival claim.

4. It is always open to the petitioner to approach the competent civil Court and to claim succession to the deceased husband. Therefore, the writ petition is not maintainable and therefore, the same is dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-II)

To

The Tahsildar,
Vilavancode Taluk,
Office at Kuzhithurai,
Kanyakumari District.

+1CC to M/s.M.Punitha Deva Kumar, Advocate, SR.No. 82663
+1CC to the Special Government Pleader SR.No.82823

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SSL

ES/SKN/RSK/SAR 2/08.10.2018/2P/4C