

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.12.2019

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.13768 of 2018

and

W.M.P.No.16236 of 2018

S.Sarasammal

.. Petitioner

..Vs..

1.The Tahsildar

Hosur Taluk,

Krishnagiri District.

2.The Revenue Inspector,

Hosur Taluk,

Krishnagiri District.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings of the 1st respondent in O.MU.8887/2017/A2 dated 26.09.2017 and to quash the same as illegal, incompetent and ultravires and consequently direct the respondents to issue the legal heir certificate to the petitioner.

For Petitioner : R.Jayaprakash

For Respondents : Mr.R.Govindasamy,
Special Government Pleader.

O R D E R

The Writ Petition has been filed seeking a Certiorari Mandamus calling for the records pertaining to the proceedings of the 1st respondent in O.MU.8887/2017/A2 dated 26.09.2017 and to quash the same.

2. Petitioner seeks Legal Heir certificate from the 1st respondent. The Legal Heir certificate was owing to the fact that N.Soodappa died on 14.05.2017. He was the resident of Sudasandram Village, Hosur. The petitioner, Sarasammal, had applied for Legal Heir certificate. Unfortunately, a rival claimant, Munirathanamma had raised an objection claiming that she was the second wife. The learned counsel stated that there could be no bar in issuing Legal Heir certificate including both the name of petitioner, Sarasammal, and also in the name of the

second wife Munirathanamma but stating that said Munirathanamma is the second wife.

3. The learned counsel stated that the Tahsildar had made a preliminary enquiry over this issue. The learned Special Government Pleader however drew the attention over a circular dated 24.09.2019 in Rc.No.RA.5(3)/180/2017, wherein, it is stated that in disputes like this, it would be only advisable that the parties would settle the issue before the Civil court. It would also be the advantage of the petitioner herein to settle the entire issue based on the evidence recorded in Civil Court, since if a Legal Heir certificate is issued including the name of Munirathanamma and even if it is qualified and stated to be the second wife, still the very fact that her name is given in the legal heir certificate might give her an opportunity to seek rights which otherwise she may not be legally entitled to. Viewed from that angle, it is only in the interest of the petitioner herein that even if it take some time she approaches the civil Court and gets proper relief.

4. Recording the same, this petition is dismissed. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

s/d-
Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

smv

To

1.The Tahsildar
Hosur Taluk,
Krishnagiri District.

2.The Revenue Inspector,
Hosur Taluk,
Krishnagiri District.

+1 CC to The Govt. Pleader sr 100723.

+1 CC to Mr.R.Jayaprakash, Advocate sr 100640.

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and

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SSD(CO)
SP(10/01/2020)