

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.09.2019
CORAM
THE HON'BLE MR.JUSTICE P.D. AUDIKESAVALU
W.P. No.25179 of 2019

S.Sabrammal

... Petitioner

Vs.

1.Revenue Divisional Officer,
RDO Office,
Udamalaipet,
Tiruppur District.

2.Tahsildar,
Thasildar Office,
Udumalaipet,
Tiruppur District.

3.Saranya

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, calling for the records in Pa.Mu.790/2018/A7 dated 12.02.2018 passed by the Second Respondent, quash the same as illegal and unsustainable in law and consequently, direct the respondents to delete the name of Saranya (3rd respondent) from the Legal Heir Certificate issued vide Pa.Mu.No.790/2018/A7 dated 12.02.2018 by the Second Respondent herein.

For Petitioner : Mr.L.Sharadh Kumar

For Respondents: Mr.J.Purushothaman (for R1 & R2)
Government Advocate

O R D E R

The Petitioner claims to be a legally wedded wife of Venkatesan @ Senthilkumar, who died on 15.09.2019, and has filed this Writ Petition challenging the Legal Heirship Certificate dated 12.02.2018 issued by the Second Respondent in which the name of the Third Respondent has been included as the wife of the said deceased and for entering her name in that place.

2. Having regard to the aforesaid relief claimed, when it is pointed out that the Petitioner has to approach the jurisdictional Family Court invoking Explanation (b) to Section 7(1) of the Family Courts Act, 1984, for declaration of her

matrimonial status as the legally wedded wife of the said Venkatesan @ Senthilkumar and that the Third Respondent could not claim to be his wife, and it is only if she succeeds in the same, she could work out her remedy for making appropriate changes in the Legal Heirship Certificate of the deceased, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to resort to that remedy and he has made an endorsement to that effect, which is recorded.

3. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.Revenue Divisional Officer,
RDO Office,
Udamalaipet,
Tiruppur District.

2.Thasildar,
Thasildar Office,
Udumalaipet,
Tiruppur District.

+lcc to Government Pleader sr.77363
+lcc to M/s.Deepan Uday, Advocate sr.77225

सत्यमेव जयते

W.P. No.25179 of 2019

svi(co)
nr 18/09/2019

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