

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2019

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.31132 of 2019
and
W.M.P.No.31256 of 2019

R.Thangadurai

... Petitioner

Vs.

1. The Tahsildar,
Virudhachalam Taluk,
Virudhachalam,
Cuddalore District.

2. Mrs.Anjalai

.... Respondents

(R2 impleaded as per Order dated 11.11.2019
made in WMP.No.32117/2019 in WP.No.31132/2019)

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the entire record connected with the impugned order of rejection of Application for Legal Heir Certificate dated 06.09.2019 made by the respondent, quash the same, consequently, directing the respondent to issue Legal Heir Certificate of Abirami, a Transwoman to whom the petitioner was living as husband till her death.

For Petitioner :Mr.K.Thilageswaran

For Respondents:Mr.P.Rajalakshmi [R1]

Additional Government Pleader

Mr.L.Palanimuthu

for Mrs.A.L.Ganthimathi [R2]

ORDER

The petitioner has filed a present writ petition in the nature of Certiorarified Mandamus to call for the records and quash the impugned order passed by the Tahsildar - first respondent, by which order, the application of the petitioner seeking Legal Heir Certificate with respect to his wife namely

Abirami, was rejected on two grounds that it was not recommended by the Village Administration Officer and Revenue Inspector and also on the ground that the deceased was transgender.

2. The case of the petitioner is that he got married to the deceased Abirami, who was transgender on 24.04.2014 at Thiruvamathur Sivan Temple. Though, the records are available in the temple with respect to the marriage, the said marriage was not registered. She was unfortunately said to have been murdered on 17.07.2019. The petitioner is not involved in the said offence. In the mean while, since the petitioner was in the Army, he had also included the name of Abirami, as his wife, in the certificates and records. Placing reliance on these records, the petitioner seeks legal heirship certificate to be issued to him. The second respondent had been impleaded by order dated 11.11.2019 made in WMP.No.32117/2019 in WP.No.31132/2019. The said respondent is the mother of the deceased Abirami. She has laid on rival claim and also contests the claim of the petitioner as the sole legal heir.

3. According to the learned counsel appearing for the petitioner, earlier, the deceased had also married one Mr.Arumugam, in the year 2007 and Voter ID showing him as her husband was also produced.

4. In view of the rival claims and divergence of facts, it would only be appropriate that the parties approach the Competent Court. In the Writ Court complicated facts cannot be decided and it would only be in the interest of both the parties that based on oral and documentary evidence to substantiate the facts, an order is passed on the same.

5. Consequently, the writ petition is disposed of, with a direction to the petitioner to approach the Competent Civil Court, seeking appropriate relief and if any such suit is filed by the petitioner, it would only be appropriate that the second respondent Mrs.Anjalai is also shown as defendant in the said suit.

6. With these observations, the writ petition stands disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sni

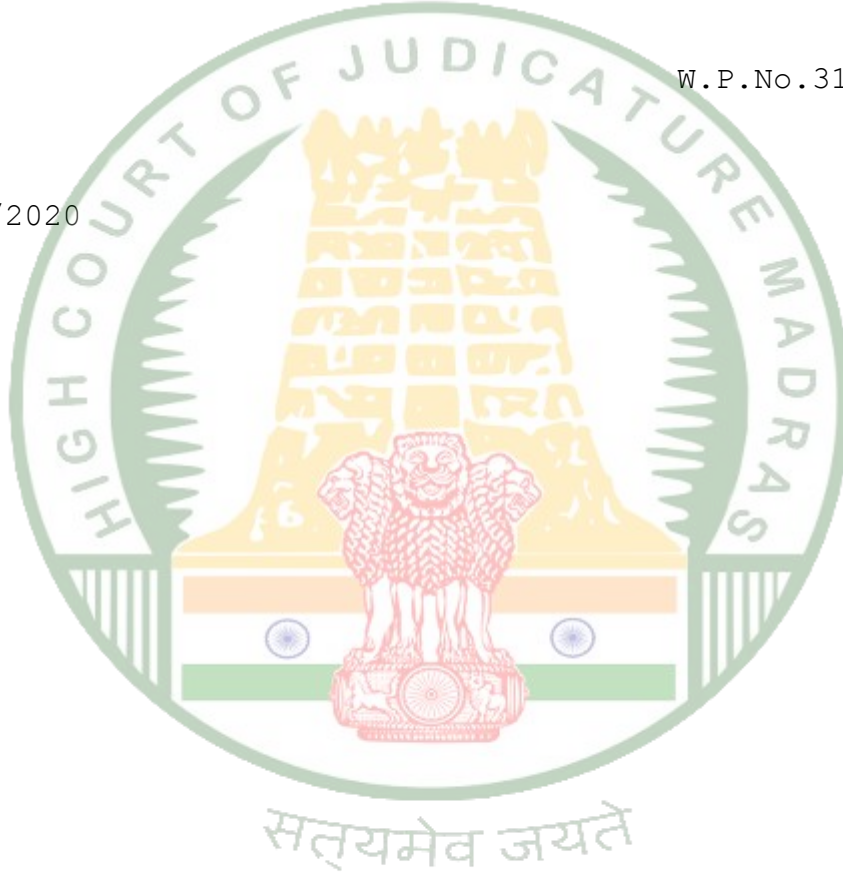
To

The Tahsildar,
Virudhachalam Taluk,
Virudhachalam,
Cuddalore District.

+lcc to M/s.A.L.Ganthimathi, Advocate Sr.105410
+lcc to the Government pleader Sr.106267

W.P.No.31132 of 2019

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srg 07/02/2020



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