

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.34376 of 2018

K.Buvaneswari  
W/o (Late) K.M.Kamalakannan  
24/12 Veera Kudi vellalar Street,  
Chengalpattu  
Kancheepuram District - 603 001  
rep. by her General Power of Attorney  
K.Gajalakshmi,  
D/o (Late) K.M.Kamalakannan  
24/12 Veera Kudi vellalar Street,  
Chengalpattu  
Kancheepuram District - 603 001. ....Petitioner

Vs.

1. The Tahsildar,  
Chengalpattu Taluk @  
Chengalpattu Town,  
Kancheepuram District.
2. Meenakshi
3. Narmatha
4. Senthil Kumar
5. J.Amirtha Valli
6. J.Jega Jothi
7. J.Selva Prakash
8. M.Selvi
9. Minor M.Logesh  
(Minor represented by mother and  
natural guardian M.Selvi)
10. S.Varalakshmi
11. A.Kalavathi

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the entire records pertaining to the impugned order passed by the 1<sup>st</sup> respondent in O.Mu.No.2642/2018/A4 dated 19.09.2018 and to quash the impugned order of the 1<sup>st</sup> respondent and consequently direct the 1<sup>st</sup> respondent to issue Legal Heirship Certificate of late K.M.Ekambara to the petitioner as per the Hindu Succession in cases.

For Petitioner :Mrs.K.Buvaneswari  
Party in person,  
represented by Ms.K.Gajalakshmi,  
General Power of Attorney

For Respondents :Mr.R.Govindasamy,  
Special Government Pleader for R1  
Mr.S.Natarajan for R2 to R9 and R11  
No appearance for R10.

#### O R D E R

This writ petition is filed challenging the order of the first respondent dated 19.09.2018, wherein and whereby, the request of the petitioner for issuing legal heirship certificate was rejected on the reason that the deceased Ekambara Mudaliar had two wives and therefore, the petitioner has to approach the Civil Court and obtain the legal heirship Certificate.

2. Heard the petitioner(Party-in-Person) represented by Power of Attorney, learned Special Government Pleader appearing for the first respondent and the learned counsel appearing for the private respondents.

3. It is claimed by the petitioner that she is the daughter through the second wife of one Ekambara Mudaliar. Therefore, she contends that the first respondent is not justified in rejecting her request for issuing legal heirship Certificate. It is claimed that the other private respondents are the legal heirs, born through the first wife. Perusal of the impugned order would show that the first respondent has chosen to reject the request of the petitioner only on the reason that the deceased had two wives. Needless to say that the first respondent is not entitled to reject the request of the petitioner simply on the reason that the deceased had two wives without conducting proper enquiry and finding out as to who are the heirs of the deceased, recognised by law. Therefore, the first respondent has to conduct a proper enquiry and consider the claim of the petitioner as well as the other legal heirs of the deceased.

4. Accordingly, without expressing any view on the merits of the claim made by the respective parties, the Writ Petition is allowed and the impugned order is set aside and the matter is remitted back to the first respondent to consider the claim of the respective parties for grant of legal heirship certificate, after conducting proper enquiry and thereafter, pass appropriate orders on merits and in accordance with law. The first respondent shall complete the whole exercise within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vsi

To

The Tahsildar,  
Chengalpattu Taluk @  
Chengalpattu Town,  
Kancheepuram District

+1 cc to Mr.S.Natarajan, Advocate, S.R.No.38643

+3 ccs to Ms.K.Gajalakshmi, Advocate, S.R.No.39231

+1 cc to the Government Pleader, S.R.No.39883

W.P.No.34376 of 2018

KAN(CO)  
SSM(26/04/2019)

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