

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.01.2019

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.33042 of 2018

S.Jayanthi

... Petitioner

Vs.

1. The Tahsildar,
Aminjikarai Taluk,
Shenoy Nagar, Chennai 600 030.

2. The Tashildhar,
Taluk Office,
Tiruvallur Road,
Sriperumbudur,
Chennai 602 105.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus and call for records of the first respondent in E2/5824/2017 dated 19.12.2017 and quash the same, with a direction to the second respondent to issue legal heir certificate to the petitioner herein on her petition dated 06.12.2017.

For Petitioner : Mr.K.Mani

For Respondents : Mr.S.Sureshkumar
Government Advocate

O R D E R

By consent of both parties, the Writ petition is taken up for final disposal at the admission stage itself.

2. The prayer sought for in this Writ petition is for the issuance of a Writ of Certiorarified Mandamus, to quash the order of the first respondent passed in Na.Ka.No.E2/5824/2017 dated 19.12.2017 and to direct the second respondent to issue legal heir certificate to the petitioner.

3. The petitioner, who is the second wife of one K.K.A.Madhavan, sought for Legal Heir Certificate, as the said Madhavan died on 03.05.2017. The said Madhavan was originally married to one Smt.Radha, who died on 02.08.1978. After the death of the first wife, the deceased Madhavan married the petitioner on 12.07.1979. There are two sons were born through the first wife, the petitioner has no issues. After the death of the husband, when the petitioner applied for Family Pension to the Principal Accountant General, the Accountant General had asked for Legal Heir Certificate, Death Certificate of Madhavan and the Death Certificate of the first wife. When the petitioner had applied for Legal Heir Certificate before the Tashildar, Sriperumbudur, the same was rejected on the ground that she is the second wife and hence Legal Heir Certificate cannot be issued. The petitioner had married the deceased Madhavan only after the death of the first wife and therefore, she is legally wedded wife and she cannot be denied the Legal Heir Certificate. On erroneous consideration of the circular issued by the Commissioner of Revenue Administration dated 09.08.2017, the second respondent has rejected the request of the petitioner that she has to approach the Civil Court as the deceased had more than one wife.

4. Heard Mr.S.Sureshkumar, learned Government Advocate appearing on behalf of the respondents.

5. As stated earlier, when the petitioner had married the deceased only after the death of the first wife, she is the legitimate and legally wedded wife of the deceased Madhavan and she is entitled for Legal Heir Certificate. As there are other legal heirs also of the deceased through his first wife they are also to be added as legal heirs. Therefore, the impugned order dated 19.12.2017 is set aside and the second respondent is directed to issue the Legal Heir Certificate, after due enquiry, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

jv

To

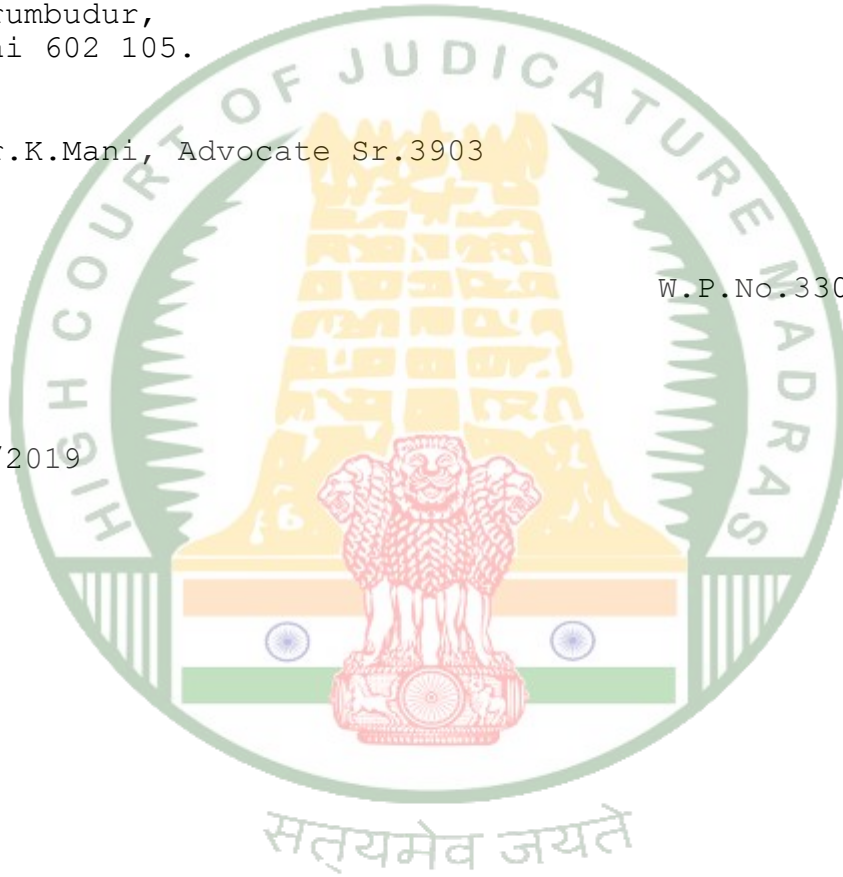
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+1cc to Mr.K.Mani, Advocate Sr.3903

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