

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.01.2019

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.34087 of 2018

K.Lakshmi

.. Petitioner

Vs.

1.The District Collector,
Singaravelar Maaligai,
Rajaji Salai,
Chennai-600 001.

2.The Tahsildar,
Office of the Tahsildar,
Mylapore-Triplicane Taluk,
Greenways Road,
Chennai - 600 028.

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider and dispose of petitioner's representation dated 29.10.2018 by conducting enquiry and issue new legal heir's certificate to the petitioner within the time limit.

For Petitioner : Mr.D.Prasanna

For Respondents : Mr.S.Suresh Kumar
Government Advocate

O R D E R

The prayer sought for in this Writ petition is for the issuance of a Writ of Mandamus, directing the respondent to consider and dispose of the petitioner representation dated 29.10.2018, by conducting enquiry and issue new Legal Heir certificate.

2. The petitioner claims that she is the second wife of one R.Kesavan, and sought for Legal Heir Certificate. Admittedly Kesavan was already married one Shanthi, in the wedlock, one female child was born. Even when the first marriage was in subsistence, the petitioner had married Kesavan on 19.01.1994

and in the wedlock, two children were born. The petitioner's husband Kesavan died on 07.12.2011. The first wife Shanthi had applied for Legal Heir Certificate for herself and her daughter. According to the petitioner, the Legal Heir Certificate was obtained by her, suppressing the fact that the petitioner was also Kesavan's wife and she has got the children. In fact, she had also sent a telegram to the Tahsildar- second respondent. The Tahsildar has sent a notice dated 19.04.2013 in Na.Ka.No.B4/35547/2011 directing the petitioner to appear for an enquiry on 03.05.2013. The petitioner did not turn up for enquiry. Hence the Legal Heir Certificate was issued to the first wife and the daughter. If at all the petitioner is aggrieved, it is open to her to move the Civil Court and declare her status before applying for Legal Heir Certificate. The Tahsildar cannot decide the status of the party in summary proceedings.

3. In the light of the above, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

ggi/jv

To

1.The District Collector,
Singaravelar Maaligai,
Rajaji Salai,
Chennai-600 001.

2.The Tahsildar,
Office of the Tahsildar,
Mylapore-Triplicane Taluk,
Greenways Road,
Chennai - 600 028.

+1 cc to Mr.D.Prasanna, Advocate, S.R.No.7011

+1 cc to the Government Pleader, S.R.No.7589

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KJI (CO)
SSM(21/02/2019)