



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.3250 of 2019

and

W.M.P. (MD) No.2532 of 2019

Selvi

... Petitioner

Vs

1.The Tahsildar,
Taluk Office,
Ambasamudram Taluk,
Tirunelveli District.

2.The Tahsildar,
Taluk Office,
Tirunelveli Taluk,
Tirunelveli District.

3.Abishek,

4.Abinaya

R3 and R4 are impleaded vide
Court order dated 01.03.2019 in
W.M.P. (MD) No.3456 of 2019

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the first respondent dated 25.11.2018 and quash the same, consequently directing the first respondent to issue legal heir certificate based on the application number TN 7201810301496 dated 30.10.2018 given by the petitioner.

For Petitioner : Mr.R.Vinoth Bharathi
For R1 and R2 : Mr.M.Rajarajan
Government Advocate

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Government Advocate appearing for the respondents 1 and

2.The writ petitioner is the wife of one P.V.G.Anandhan. The said P.V.G.Anandhan originally married one Thirumalaisundari. Their marriage was dissolved through Court of law. Through the said marriage with Thirumalaisundari, P.V.G.Anandhan had fathered two children namely Abishek and Abinaya. P.V.G.Anandhan got divorce from Thirumalaisundari. Thereafter, he got married to the writ



petitioner herein. Through the petitioner, he begot one girl child by name Rathinam. While so, the said P.V.G.Anandhan passed away on 11.02.2018. Thereafter, the petitioner moved the first respondent for obtaining legal heir certificate. It appears that the first respondent had taken the stand that the petitioner should move the second respondent. This is because in the death certificate of P.V.G.Anandhan, the permanent address of the P.V.G.Anandhan's father had been mentioned. According to the petitioner, P.V.G.Anandhan did not reside in Thatchanallur but he resided only in North Pappankulam, Ambasamudram Taluk, Tirunelveli District. The said place falls within the jurisdictional limit of the first respondent.

3.I am therefore of the view that the first respondent erred in directing the petitioner to move the second respondent for getting legal heir certificate.

4.Therefore, the order impugned in this writ petition dated 25.11.2018 passed by the first respondent, is quashed. The petitioner shall approach the first respondent with all the relevant documents. There upon the first respondent shall issue the legal heir certificate to the writ petitioner, without any delay. The first respondent shall bear in mind that the husband of the writ petitioner was a war hero.

5.Accordingly, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

/TRUE COPY/

Sub Assistant Registrar(CS)

To

1.The Tahsildar,
Taluk Office,
Ambasamudram Taluk,
Tirunelveli District.

2.The Tahsildar,
Taluk Office,
Tirunelveli Taluk,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-62123[F] dated 24/04/2019)

+1 CC to M/s.R.VINOTH BHARATHI, Advocate (SR-62584[F] dated 25/04/2019)

W.P. (MD) No.3250 of 2019

and

W.M.P. (MD) No.2532 of 2019

CS: 13/05/2019/2P/5C