



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2019

CORAM :

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

WP (MD) No. 23849 of 2018

AR Visalakshi

... Petitioner

Vs.

1. The District Collector, Madurai.

2. The Revenue Divisional Officer,
Madurai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent herein to forthwith issue a destitute widow certificate pursuant to the petitioner's application dated 16.05.2018.

For Petitioner : Mr. ARL. Sundaresan, Senior Counsel
for Mrs. AL. Gandhimathi

For Respondents : Mr. K. Mu. Muthu,
Additional Government Pleader

ORDER

Heard the learned Senior Counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the respondents.

2. The petitioner applied to the second respondent for issuance of a certificate certifying her as "Destitute Widow". The second respondent conducted an enquiry. But then, the second respondent has declined to issue the said certificate sought for by the writ petitioner on the ground that the petitioner has not produced legal heir certificate of her husband namely AR Arunachalam. That necessitated the filing of this writ petition.

3. The learned Senior Counsel appearing for the writ petitioner took me through the documents filed by the petitioner before the second respondent. They have been filed in the form of a typed set of papers in this writ petition. The writ petitioner got married to one AR Arunachalam on 29.01.2001 at Karaikudi. The factum of marriage is established by the marriage registration certificate. The petitioner's marriage was registered with the Marriage Registrar Office, Join II, Karaikudi. Two children (twins) were born to the



petitioner through the said wedlock. The petitioner's marital home was at Hyderabad. The petitioner has enclosed Birth certificates issued by the Greater Hyderabad Municipal Corporation on 07.04.2012. The petitioner has also enclosed other documents such as Aadhar Card, Family Card, Voter I.D Card.

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4.I went through all these documents. It is seen that Thiru.AR Arunachalam has been described as the petitioner's husband. The petitioner also enclosed the death certificate issued by the Greater Hyderabad Municipal Corporation. Considering all these materials, it is revealed that the petitioner got married to AR Arunchalam and that he has since passed away. The petitioner is unable to secure a legal heir certificate because she has to go Hyderabad once again and she is facing some difficulties on account of her in-laws.

5.A legal heir certificate issued by a revenue authority has no statutory value. The second respondent is not justified in insisting on production of a document which has no statutory force. Since all the materials have been placed before me, I deem it fit and appropriate to direct the second respondent to issue a certificate certifying the petitioner herein as Destitute Widow. Such a certificate shall be issued within a period of six weeks from the date of receipt of a copy of this order.

6.This writ petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector, Madurai.

2.The Revenue Divisional Officer,
Madurai.

+1CC TO M/S.A.L.GANTHIMATHI, Advocate, Sr No.47280

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.47378

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14.02.2019

Skm

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