



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.21197 of 2019

Leela Blarance

... Petitioner

vs.

The Tahsildar,
Eral Taluk Office,
Eral,
Thoothukudi District.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified mandamus, calling for the records pertaining to the impugned order issued by the respondent herein in his proceedings in O.Mu.No.A2/1594/2019 dated 19.7.2019 and quash the same and consequently direct the respondent to issue the Marriage Certificate stating that the petitioner got married with the Jothi Vedamani during his life time on 4.4.1975 on the basis of the petitioner's representation dated 2.5.2019.

For Petitioner : Mr.S.Mandhiralingeswaran

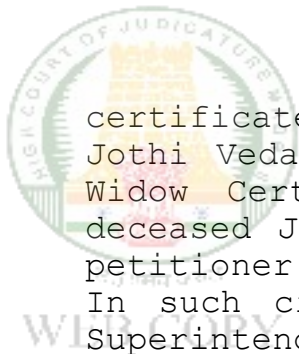
For Respondent : Mr.M.Rajarajan

Government Advocate

O R D E R

This writ petition has been filed, challenging the impugned order issued by the respondent herein in his proceedings in O.Mu.No.A2/1594/2019 dated 19.7.2019 and to direct the respondent to issue the Marriage Certificate stating that the petitioner got married with the Jothi Vedamani during his life time on 4.4.1975 on the basis of the petitioner's representation dated 2.5.2019.

2.According to the petitioner, she is a legally wedded wife of the deceased Jothi Vedamani, who retired as Head Constable, during his employment under the Superintendent of Police, Tirunelveli. She applied for family pension. Since it was not granted, she filed a writ petition in W.P.(MD).No.10499 of 2016. This Court by its order dated 13.02.2019, directed the petitioner to submit all the testimonials before the authorities for grant of family pension. Now that, the petitioner applied for family pension with all the testimonials which are required. But, it was not disbursed for want of marriage certificate. According to her, they got married at her house and she got a declaration from a Civil Court in O.S.No.117 of 2012, dated, 27.02.2013 that she is one of the legal heirs of the deceased Jothi Vedamani. The legal heir



certificate issued by the Tahsildar shows her status as wife of Jothi Vedamani. Apart from that, the Tahsildar has also issued a Widow Certificate revealing that the petitioner is a widow of deceased Jothi Vedamani and all other credentials produced by the petitioner reveals that she is the wife of deceased Jothi Vedamani. In such circumstances, it is for the petitioner to approach the Superintendent of Police, Tirunelveli for family pension. The petitioner cannot be insisted for production of marriage certificate from the Tahsildar, who is no way connected with the solemnization of marriage of the petitioner with the deceased. The certificates already issued by the Tahsildar, viz., the Legal Heir Certificate and Widow Certificate by itself are the credentials to prove the marriage of the petitioner with the deceased.

3.However, the pension payment authorities appears to have insisted for marriage certificate. Marriage Certificate can be issued only by the person, who had solemnized the marriage or registered the marriage. Tahsildar has no authority to issue the same. In such circumstances, I do not find any infirmity in the order passed by the respondent. The writ petitioner has to work out her remedies with the available records. Hence, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

vs

To
The Tahsildar, Eral Taluk Office,
Eral, Thoothukudi District.

+1 CC to GP SR-91373.

+1 CC to M/s.S.MANDHIRALINGESWARAN, Advocate SR-91384.

W.P. (MD) No.21197 of 2019

03.10.2019

CS(04.11.2019) 2P 4C