

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.16879 of 2020

A.Amaravathi

... Petitioner

Vs.

1. The District Collector,
Ranipet District.
 2. The Tahsildhar,
Sholingur Taluk Office,
Sholingur, Ranipet District.
 3. The Revenue Inspector,
Sholingur Taluk Office,
Sholingur, Ranipet District.
 4. The Village Administrative Officer,
Sholingur Mottur Village,
Sholingur Taluk, Ranipet District.
- ... Respondents

PRAYER: The Writ Petition has been filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the second respondent pertaining to the impugned order dated 18.10.2020 passed in Application No.7202010153262 dated 15.10.2020 and quash the same as illegal and consequently direct the second respondent to issue legal heirship certificate of deceased K.Annadurai, who died on 04.09.2020 to the petitioner within a stipulated time.

For Petitioner : Ms.C.Jaya Chithra

For Respondents : Mr.V.Shanmugasundar

Special Government Pleader

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus to call for the records of the second respondent pertaining to the impugned order dated 18.10.2020 passed in application No.7202010153262 dated 15.10.2020 and quash the same as illegal and consequently, direct the second respondent to issue legal heirship certificate of deceased K.Annadurai, who died on 04.09.2020 to the

petitioner within a stipulated time that may be fixed by this Court.

2. It is stated that the petitioner's husband was originally, married to one Lakshmi in the year 1996. Out of their weblock, a male child was born by name A.Sivanandam. The petitioner's husband had divorced the first wife as per proceedings in H.M.O.P.No.67 of 2006. The said divorce petition was decreed on 29.04.2011. After dissolution of the first marriage with first wife Lakshmi, the petitioner's husband married the petitioner on 10.07.2012 and no child was born.

3. It is further stated that the petitioner's husband died on 04.09.2020. After which, an application for legal heirship certificate was applied before the second respondent. The legal heirs of the deceased are the mother of the deceased, the petitioner and the son, who was born to the first wife. As the application is made online and there are no option to enter stating that the second wife is married after the dissolution of the first marriage, it was rejected stating that the deceased had two wives and as per the circular issued by the Commissioner of Revenue Administration, it was automatically rejected.

4. After filing of the Writ Petition, upon notice, a communication was sent by the Tahsildar, Sholinghur, wherein, it is stated that the marriage between the first wife and the deceased is dissolved and thereafter only, the petitioner was married for the second time and that the petitioner along with the mother-in-law and the son born through the first wife are living together.

5. In view of the above report, the impugned order passed by the second respondent dated 18.10.2020 is set aside and the matter is remanded to the second respondent and the second respondent is directed to conduct an appropriate enquiry and issue legal heirship certificate after subjective satisfaction within a period of four (4) weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

s/d-

Assistant Registrar

True Copy

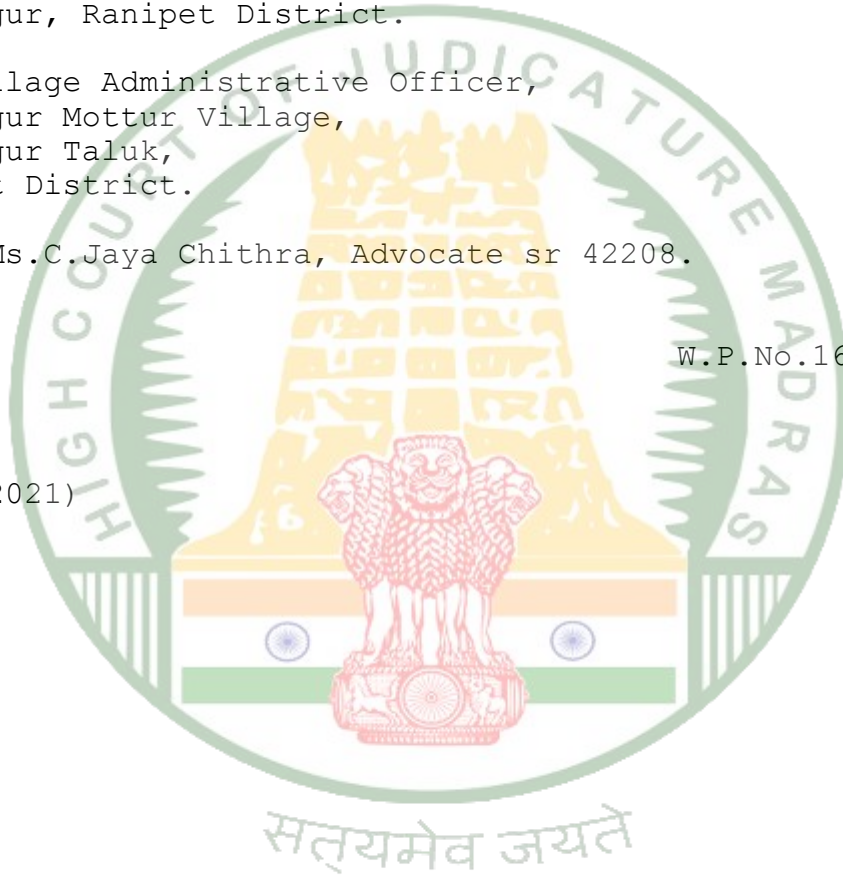
Sub-Assistant Registrar

To

1. The District Collector,
Ranipet District.
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Sholingur Mottur Village,
Sholingur Taluk,
Ranipet District.
- +1 CC to Ms.C.Jaya Chithra, Advocate sr 42208.

W.P.No.16879 of 2020

GPL(CO)
SP(19/01/2021)



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