

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2020

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.31857 of 2019

1. A.Chellammal,
W/o (late) Arumugam

2. Minor A.Dharani,
S/o Late Annadurai
represented by his natural Guardian
and Grand Mother of the 1st petitioner
both are residing at 23/20, Perumpalipatti,
Elur Village, Namakkal Taluk, Namakkal District
(cause title amended as per order
dated 1.3.2020 made in WMP.5663/2020 in
WP.31857/2019)

... Petitioners

Vs

The Tahsildar,
Namakkal Taluk,
Namakkal District.

.. Respondent

Prayer:

Writ Petition filed under Section Article 226 of the Constitution of India praying Writ of Certiorarified Mandamus to call for the records pursuant with the impugned order dated 1510.2019 passed by the respondent herein in Oo.Mu.4493/2019/A4 and quash the same and consequently direct the respondent to issue Legal-heir certificate to the petitioners as per Hindu Succession Act, within a stipulated period that may be fixed by this Hon'ble Court.

For Petitioners : Mr.P.Tamilavel

For Respondent : Mr.D.Suriyanarayanan
Additional Government Pleader

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O R D E R

This matter is taken up for hearing through Video-Conferencing mode.

2. This Writ Petition is filed challenging the order of the respondent dated 15.10.2019, wherein and whereby, the petitioners' request for grant of legal heir certificate was rejected on the reason that the deceased had two wives.

3. Heard both sides.

4. It is claimed that the first petitioner is the mother of the deceased Annadurai and the second petitioner is the son of the deceased Annadurai, born to the deceased and his second wife. When the petitioners applied for legal heir certificate for the deceased Annadurai, the respondent rejected the same on the ground that the deceased had first wife. According to the petitioner, the deceased, after getting divorce from his first wife, married the second wife and thus, the mother and the son of the deceased, who are the petitioners herein, are entitled to get the legal heir certificate. It is further claimed that no children were born through the first wife of the deceased. All these contentions are not gone into by this Court to give any finding, as it is for the respondent to consider by conducting an enquiry and thereafter, pass appropriate orders on merits and in accordance with law.

5. Thus, the Writ Petition is disposed of by setting aside the impugned order and remitting the matter back to the respondent for conducting fresh enquiry and to find out who are the legal heirs of the deceased Annadurai and accordingly, pass orders on merits and in accordance with law. Such exercise shall be done by the respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-
सत्यमेव जयते
Assistant Registrar (ADI-MDU)

//True Copy//

Sub Assistant Registrar

vri/vsi

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To

The Tahsildar,
Namakkal Taluk,
Namakkal District.

W.P.No.31857 of 2019

NRL (CO)
CB (12/10/2020)



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