

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2020

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. No.32556 of 2018

and

W.M.P.No.37759 of 2018

1.R.Parvathi
2.R.Jaiganesh
3.R.Mohanasundaram
4.Mr.R.Naresh Babu

...Petitioners

Vs

1.The Tahsildar,
Mylapore Taluk,
Chennai-600 028
2.R.Baskar,
3.R.Arivalagan
4.R.Elangovan

... Respondents

Prayer : Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to call for the records in their impugned order in ஓ.பி. எண் 4/2328 of 2018 dated 31.03.2018 and quash the same and issue the legal heir certification of Mr.M.D.Ramu to the 2nd petitioner.

For Petitioners : Mr.C.Murali

For R1 : Mrs.P.Rajalakshmi

O R D E R

The petitioners seek Legal heir certificate with respect to the husband of the 1st petitioner, by name, M.D.Ramu who is also father of the petitioners 2 to 4. However, the deceased M.D.Ramu had originally married one R.Vasanthammal. Subsequent to the death of R.Vasanthammal, deceased M.D.Ramu remarried the 1st petitioner and three sons were born. The petitioners 2 to 4 have been born to the 1st petitioner. It is stated that M.D.Ramu died on 14.11.2017. The petitioners and her sons applied for Legal Heir Certificate. This has been rejected the respondents in the light of circular No.9 of 2019 in R.C.No.RA.5(3)/180/2017 dated 24.09.2019 and the guidelines given for issue of Legal Heir certificate. In the guidelines, it has been stated that the Tahsildar cannot issue Legal Heir Certificate when the deceased is having more than one wife/Husband. In the present case also that is the situation. It has been further stipulated in the said guidelines that in such a situation, the petitioners should be directed to approach the competent Civil Court.

Accordingly, the petitioners herein may also approach the competent Civil Court for necessary declaration.

2.In view of the above observations, the Writ Petition stands disposed of. No Costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

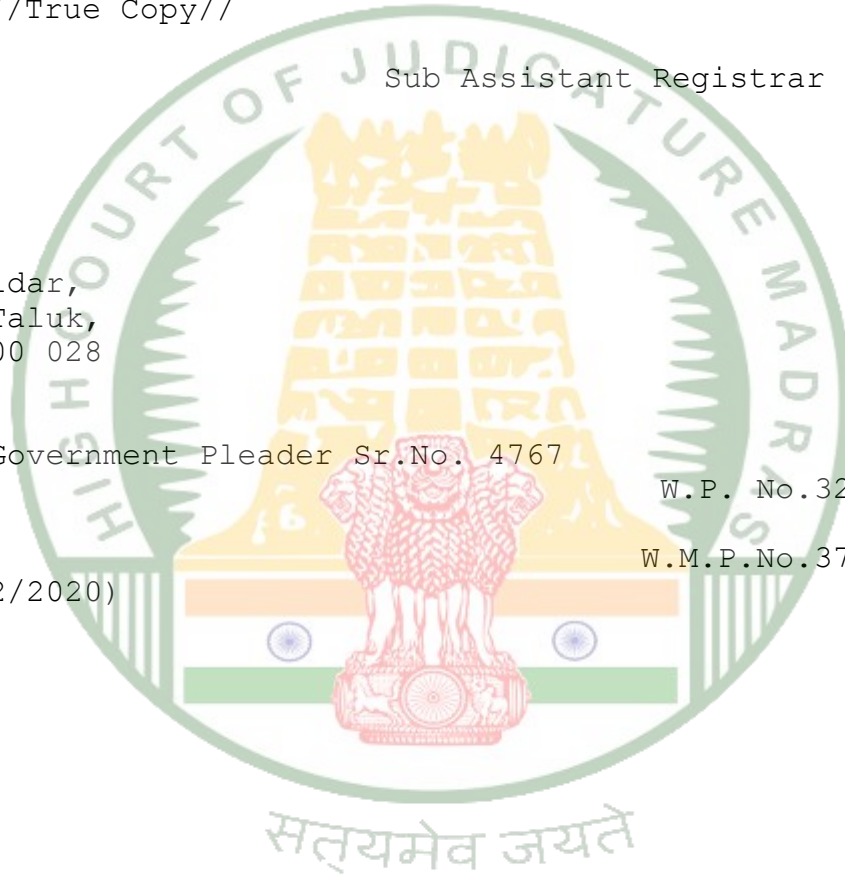
vsn

To
The Tahsildar,
Mylapore Taluk,
Chennai-600 028

+1 cc to Government Pleader Sr.No. 4767

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A.SK(21/02/2020)



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