



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 27.01.2020**

**CORAM:**

**WEB COPY**

**THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA**

**W.P (MD) No.1563 of 2020**

**and**

**W.M.P. (MD) No.1274 of 2020**

Kamatchi Mani

... Petitioner

Vs.

1) The District Collector,  
Madurai District,  
Madurai.

2) The Tahsildhar,  
Madurai North Taluk,  
Madurai.

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order dated 13.07.2019 of the 2<sup>nd</sup> respondent passed on the petitioner's application No.TN 7201906271460 and quash the same as illegal and arbitrary and consequently direct the respondents to issue a Legal Heir Certificate declaring that the Kamatchi Mani and Rajeshwari are the Legal Heirs of the deceased Mani.

For Petitioner : Mr.T.Palanisamy

For Respondents : Mr.Aayiram K. Selvakumar,

**O R D E R**

The challenge in the Writ Petition is made to the rejection of online application for obtaining Legal Heir Certificate of one deceased Mani, who died of ailment on 26.12.2016.

2. The case of the petitioner is that the deceased Mani had married one Karpagam in the year 1983 and a female child Aarthi was born on 19.05.1984. The said Karpagam died on 26.01.1991, after which the said Mani married the petitioner herein on 13.06.1994 as per Hindu Rites and Customs. Out of the wedlock, a female child



Rajeswari was born on 13.03.1995. Therefore, as on date, the petitioner herein, her daughter Rajeswari and one Aarthi, daughter of deceased Mani born to Karpagam are the legal heirs of the deceased Mani.

3. The petitioner herein had applied through online for Legal Heir Certificate on 27.06.2019 with self declaration vide application No.TN-7201906271460 and she had also produced the birth certificate of the said Aarthi. However, in the online application made by the petitioner, she has omitted the name of Aarthi, daughter of her husband's first wife. The application for legal heir certificate was mechanically rejected by the second respondent on the ground that the deceased Mani had two wives without verifying the fact that the marriage to the second wife by Mani itself was legal and valid.

4. In these circumstances, the rejection order is set aside and the second respondent is directed to conduct fresh enquiry and issue Legal Heirship Certificate to the petitioner herein within a period of six(06) weeks from the date of receipt of a copy of this order.

5. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected W.M.P.(MD) No.1274 of 2020 is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

- 1) The District Collector,  
Madurai District, Madurai.
- 2) The Tahsildhar,  
Madurai North Taluk, Madurai.

+1 CC to M/s.Special Govt.Pleader ( SR-3728[F] dated 29/01/2020 )

+1 CC to M/s.T.PALANISAMY, Advocate ( SR-3251[F] dated 27/01/2020 )

Order made in  
**W.P(MD)No.1563 of 2020**  
**27.01.2020**

sts

SDS (21.02.2020) 2P-5C

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