



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2020

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.4062 of 2020
and
W.M.P. (MD) No.3435 of 2020

Alagammal ... Petitioner

Vs.

The Tahsildar,
Sivagangai. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the Impugned Rejection order in online Application No.TN-7201905201954 dated 29-05-2019 issued by the respondent quash the same as illegal and consequently direct the respondents to issue the Legal Heirship Certificate based on her application dated 02-05-2019 to the petitioner.

For Petitioner : Mr.RM.Arun Swaminathan

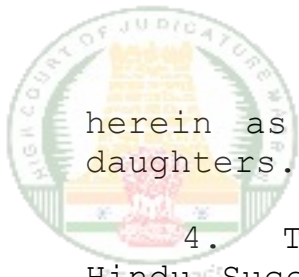
For Respondent : Mr.M.Rajarajan,
Government Advocate

O R D E R

Mr.M.Rajarajan, learned Government Advocate takes notice for the respondent.

2. The writ petition has been filed challenging the order of the respondent refusing to grant the Legal Heirship Certificate, on the ground that the deceased person is having two wives and therefore, it is not recommended.

3. The case of the petitioner is that her husband Mayandi and his first wife, by name Mookammal, died in the year 2008 and they had one son viz. Marudupandi and two daughters. The said Mayandi with the consent of his first wife, had married the petitioner



herein as his second wife. Out of the wedlock, they got three daughters.

4. The Tahsildar ought to have considered that as per the Hindu Succession Act, 1956, the children of the second wife are entitled to be declared as legal heirs of the deceased father.

5. Therefore, the respondent is not justified in denying the Legal Heirship Certificate merely because the application was made by the second wife. The law specifies the mode of succession and therefore, there is no impediment for the Tahsildar to issue Legal Heirship Certificate as per the Hindu Succession Act, 1956. Hence, this Court is inclined to set aside the order of rejection passed by the respondent.

6. In the result, the Writ Petition stands allowed and the impugned rejection order made in application No.TN-7201905201954, dated 29-05-2019 by the respondent is set aside and the respondent is directed to issue Legal Heirship Certificate to the petitioner in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected W.M.P.(MD) No.3435 of 2020 is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

The Tahsildar,
Sivagangai.

+1 CC to Mr.RM. ARUN SWAMINATHAN, Advocate (SR-8866[F] dated 27/02/2020)

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-9131[F] dated 28/02/2020)

Order made in
W.P(MD)No.4062 of 2020
Dated:27.02.2020

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AE (18.03.2020) 2P 4C