



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD)No.6783 of 2020

and

W.M.P. (MD) .No.6178 of 2020

WEB COPY

D.Tamilselvi

... Petitioner

Vs

The Tahsildar,
Taluk Office,
Manamadurai, Sivagangai District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the rejection order dated -NIL- passed by the respondent for issuing legal heir certificate (REV-114) in connection with the petitioner's Application No. TN-7202001281942, dated 28.01.2020 and quash the same as illegal and to direct the respondent to issue her the legal heir certificate by including the petitioner's name 1.Tamilselvi (widow) and her childrens' name 2.Kanchanadevi (married) 3.Selvarani (married) 4.Pandiselvan and 5.Arunadevi (spinster) as the legal heirs of her deceased husband late. Duraipandi.

For Petitioner	: Mr.M.Solaisamy
For Respondent	: Mr.M.Rajarajan
	Government Advocate

ORDER

Heard the learned counsel on either side.

2.The petitioner got married to Duraipandi way back on 09.03.1984. Duraipandi died on 24.12.2019 at the age of 82. The petitioner applied for issuance of Legal Heir Certificate. The respondent is the Authority competent to issue Legal Heir Certificate. The respondent denied the petitioner's request on the ground that this is a case of Duraipandi having had two wives.

3.I am unable to appreciate the stand taken by the respondent. It is true that Duraipandi originally got married to one Thilagavathi. But then, Thilagavathi passed away on 11.12.1983. Only after the demise of his first wife, the petitioner Tamilselvi got married to Duraipandi on 09.03.1984. Therefore, the rejection of the petitioner's application on this ground is patently incorrect. Therefore, the impugned order in the Writ Petition is set aside. The respondent is directed to issue the Legal Heir Certificate as sought for.



4.The Writ Petition stands allowed. No costs.
Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (ADII)

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Sub Assistant Registrar(CS)

tsg

Note:- In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Tahsildar,
Taluk Office,
Manamadurai,
Sivagangai District.

W.P. (MD)No.6783 of 2020
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KB(10.07.2020) 2P 2C