



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2020

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THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P (MD).No.7399 of 2020
and W.M.P. (MD).No.6849 of 2020

N.Ganapathy

.. Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.

3.The Revenue Inspector,
Sarugani,
Kalaiyarkovil Taluk,
Sivagangai District.

4.The Village Administrative Officer,
Puliyadithambam Village Panchayat,
Kalaiyarkovil, Sivagangai District.

..

Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned rejection order passed by the 2nd respondent in Application No.TN7201910171806, dated 04.11.2019 and quash the same and consequently direct the 2nd respondent to issue a legal heir certificate by considering the representation, dated 17.10.2019.

For Petitioner : Mr.R.Balamurugan

For Respondents : Mrs.S.Srimathy
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petitioner namely Ganapathi is a senior citizen, who is



aged about 66 years and her husband died on 10.08.2019. The petitioner applied to the second respondent for issuance of legal heir certificate. The second respondent denied the petitioner's request on the ground that her husband Nallaiya was already married. Challenging the rejection, this writ petition came to be filed.

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3. Earlier, I directed the learned Special Government Pleader to furnish the details regarding the other marriage of Nallaiya. Today, when the matter was taken up for hearing, the learned Special Government Pleader produced a copy of the statement of Village Administrative Officer, wherein, it is stated that Nallaiya was originally married to one Angammal and that the said Angammal left Nallaiya after few years. After Angammal left him, Nallaiya said to have married the petitioner herein. It is further fairly brought out in the statement that the said Angammal married one Muthu Rakku and children were also born through the said Muthu Rakku.

4. The petitioner's counsel enclosed a bunch of materials. From the materials, it can be seen that Nallaiya and Ganapathi begot as many as five children. In the Aadhar card also Nallaiya is shown as husband of the petitioner.

5. Hence, I have no hesitation to come to the conclusion that the petitioner must be recognized as the wife of the said Nallaiya. Of course, this is only a tentative finding, which I am rendering for the purpose of directing the second respondent to issue the legal heir certificate in favour of the petitioner. If Angammal is not married and begot children, then the position would be different.

6. Therefore, the order impugned in this petition is quashed and the second respondent is directed to issue the Legal heir certificate as sought for by the petitioner herein. Of course, if there is any rival claim, it is always open to the rival parties to move before the jurisdictional Civil Court and the jurisdictional Civil Court will decide the matter uninfluenced by any of the observation made herein.

7. Accordingly, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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

- 1.The District Collector, Sivagangai District, Sivagangai.
- 2.The Tahsildar, Kalaiyarkovil Taluk, Sivagangai District.
- 3.The Revenue Inspector, Sarugani, Kalaiyarkovil Taluk, Sivagangai District.
- 4.The Village Administrative Officer, Puliyadithambam Village Panchayat,
Kalaiyarkovil, Sivagangai District.

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Kv(17.08.2020) 3P 5C