



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2020

CORAM:

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

W.P. (MD)No.7495 of 2020

and

W.M.P. (MD)No.6967 of 2020

U.Panchavarnam

... Petitioner

Vs

1.The Tahsildar,
O/o.the Tahsildar, Thoothukudi,
Thoothukudi District.

2.The Village Administrative Officer,
Mullakadu - 1, Thoothukudi District.

... Respondents

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 impugned order in Na.Ka.(Aa4)/8855/2019 dated 23.03.2020 on the file of the Respondent No.1 and quash the same as illegal and consequently for a direction, directing the Respondent No.1 to issue legal heir certificate to the petitioner mentioning all the legal heirs within the time period stipulated by this Court.

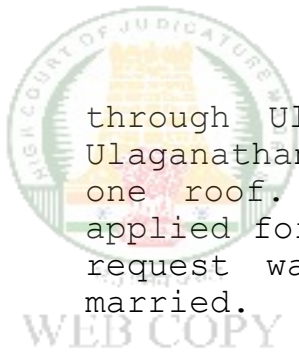
For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.M.Rajarajan
Government Advocate

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. With the consent of the learned counsel on either side, the writ petition is taken up for final disposal at the stage of admission itself.

2.The petitioner got married to one Ulaganathan. The said Ulaganathan had earlier married Vellaiammal. The said Vellaiammal passed on 17.07.2006. The petitioner herein got married to Ulaganathan only on 08.02.2009. Ulaganathan passed on 16.11.2009. The petitioner's counsel states that Vellaiammal begot two children



through Ulaganathan while the petitioner begot a child through Ulaganathan. It is seen that all the legal heirs are residing under one roof. Following the demise of Ulaganathan, the petitioner applied for legal heir certificate to the respondent/Tahsildar. The request was negatived on the ground that Ulaganathan was twice married.

3.The impugned order is liable to be set aside because it fails to take note of the fact that Ulaganathan did not commit any act of bigamy. Only after the demise of Vellaimmal, he married the writ petitioner/Panchavaranam. Therefore, the ground on which the issuance of legal heir certificate was denied is clearly not sustainable. In this view of the matter, the order impugned in this writ petition is quashed and the first respondent is directed to issue legal heir certificate as sought for by the petitioner. This shall be issued within a period of four weeks from the date of receipt of a copy of this order.

4.The writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// 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 Tahsildar,
O/o.the Tahsildar, Thoothukudi,
Thoothukudi District.
- 2.The Village Administrative Officer,
Mullakadu - 1, Thoothukudi District.

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