



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.9129 of 2020

and

W.M.P. (MD)No.8349 of 2020

WEB COPY

R.Maran

... Petitioner

Vs.

The Tahsildar,
R.S. Mangalam Taluk,
Ramanathapuram District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the respondent in his proceedings in Nil dated 16.03.2020 and quash the same and direct the respondent to issue Legal Heir Certificate to the petitioner father as per law within a stipulated time fixed by this Court.

For Petitioner	: Mr.V.Panneer Selvam
For Respondent	: Mr.S.Angappan, Government Advocate

ORDER

Heard the learned counsel on either side.

2.The petitioner is the son of one Rayappan. Rayappan unfortunately met with an accident on 18.02.2020 and passed away. During his lifetime, he was twice married. But then, the second marriage took place after the dissolution of his first marriage. Through his first wife, Rayappan had two children. One of them is the petitioner herein. Through the second wife also he had one son. The petitioner's father's first wife is no more. Now the children born to both the wives jointly applied to the respondent for issuance of legal heir certificate. They had also enclosed the death certificate along with their application. But then, the respondent took the view that since it is a case of second marriage, he will not issue the legal heir certificate.

3.As rightly pointed out by the learned counsel for the petitioner, it has been held in several decisions of this Court that this cannot be a ground for refusal to issue legal heir certificate. In the case on hand, there appears to be no rival claim. The children born to both the wives have jointly applied for issuance of Legal Heir Certificate.



4. Accordingly, the order impugned in this writ petition dated 16.03.2020 is quashed and the respondent is directed to issue the legal heir certificate as sought for at the earliest.

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

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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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,
R.S. Mangalam Taluk,
Ramanathapuram District.

+1 CC to SGP (SR-16965[F] dated 15/09/2020)

W.P. (MD)No.9129 of 2020

11.09.2020

KM (18.09.2020) 2P 3C