



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9858 of 2020

and

W.M.P(MD)No.8834 of 2020

WEB COPY

Shanthi

... Petitioner

Vs.

The Tahsildar,
Manamadurai,
Sivagangai District.

... Respondent

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-720200316327, dated 17.03.2020, issued by the respondent, quash the same as illegal and consequently, direct the respondent to issue the legal heir certificate based on her application dated 16.03.2020 to the petitioner.

For Petitioner

: Mr.RM.Arun Swaminathan

For Respondent

: Mr.S.Angappan

Government Advocate

O R D E R

Heard, the learned counsel on either side.

2.The writ petitioner states that her marriage with Karuppiyah was solemnized on 06.06.2008. The marriage was also registered later on 24.09.2018. The said Karuppiyah passed away on 27.09.2019. The said Karuppiyah was employed in the Army. The petitioner in order to avail the other benefits approached the respondent for issuance of legal heir certificate. The respondent rejected the petitioner's request on the ground that the Karuppiyah was twice married.

3.Challenging the rejection order, this writ petition came to be filed.

4.It is seen that the Karuppiyah was originally married to one Rani. But the said Rani has passed away on 26.11.2002. The death certificate is also enclosed in the typed set of papers. Even according to the petitioner, she got married only in the year 2008. Since the claim of the petitioner is that she got married after the demise of the first wife, the ground of rejection is not sustainable.



5. In this view of the matter, the order impugned in this writ petition is set aside. The matter is remitted to the file of the respondent. The respondent shall verify the materials placed before him. On being satisfied that the petitioner got married to the said Karuppiah subsequently, the respondent will issue the legal heir certificate as sought for by her. The entire exercise shall be concluded within a period of eight weeks from the date of receipt of a copy of this order.

6. This Writ Petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petition is 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,
Manamadurai,
Sivagangai District.

+1 CC to the SPL GP (SR-18108[F] dated 25/09/2020)

W. P (MD) No. 9858 of 2020

24.09.2020

SS (CO)

CS (05.10.2020) 2P 3C