



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.11727 of 2020

R.Rajalakshmi

... Petitioner

Vs.

The Tahsildar
Theni Taluk Office
Theni

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the respondent in Na.Ka.No.3894/2020/A6, dated 03.09.2020 and quash the same and consequently direct the respondent to issue the legal heir certificate of the deceased Raju who is the husband of the petitioner based on the petitioner's application dated 09.05.2020 within a time frame as fixed by this Court.

For Petitioner	: Mr.B.Prahalad Ravi
For Respondent	: Mr.P.Mahendran
	Additional Government Pleader

O R D E R

Heard the learned counsel on either side. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner Rajalakshmi got married to one Raju in the year 1979. The said Raju had earlier married one Sarojini Devi. But she had passed away on 03.10.1974. Through first wife Sarojini Devi two daughters and a son were born. Through the petitioner, a daughter was born. Raju was a School Headmaster. He retired from service in the year 31.07.1997. The said Raju passed away recently. Therefore, the petitioner applied to the respondent for issuance of legal heir certificate. The respondent had rejected the petitioner's request on the sole ground that Raju was twice married.

3.The rejection order dated 03.09.2020 is put to challenge in this writ petition.

4.The learned counsel for the petitioner draws my attention to the order dated 28.08.2018 made in W.P(MD).No.16826 of 2018 where this Court had set aside the rejection order passed on a similar



5.It is for the respondent to hold an enquiry and satisfy himself that the application has been genuinely made. Merely because the deceased was twice married that cannot be a mechanical ground of rejection. The specific stand of the petitioner is that she got married to Raju only after demise of the first wife, Sarojini Devi. In those days, it was not customary to register the death. Therefore, non-registration of death of Sarojini Devi cannot be a ground for rejection. The order impugned in this writ petition is set aside and the matter is remanded to the file of the respondent. The respondent shall hold fresh enquiry and dispose of the petitioner's request without delay.

6.This writ petition is allowed, accordingly. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa

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
Theni Taluk Office
Theni

+1 CC to SPL GP (SR-17135[F] dated 16/09/2020)

W.P. (MD)No.11727 of 2020

15.09.2020

SJ(CO)

KM (22.09.2020) 2P 3C