



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.14522 of 2020

Muthulakshmi

.. Petitioner

Vs.

The Tahsildar,
Madurai South Taluk,
Madurai District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining the impugned order passed through online by the respondent on 14.09.2020 in the petitioner's application No.TN-7202009141166 and quash the same and consequently to direct the respondent to issue legal heir certificate.

For Petitioner	:	Mr.M.Ramu
For Respondent	:	Mrs.M.Rajeswari Government Advocate

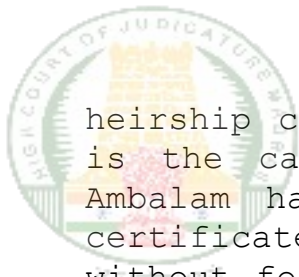
ORDER

This writ petition has been filed challenging the order dated 14.09.2020, rejecting the application of the petitioner for issuance of legal heir certificate for her deceased husband namely P.Muthu Ambalam.

2.Heard Mr.M.Ramu, learned counsel for the petitioner. Mrs.M.Rajeswari, learned Government Advocate, accepts notice on behalf of the respondent.

3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4.It is the case of the petitioner that her husband P.Muthu Ambalam, was initially married to one Pooranam and out of the said wedlock, they got four children. According to the petitioner, the first wife of P.Muthu Ambalam died and thereafter, he got married to the petitioner. According to her, out of their marriage, they were blessed with two sons. According to the petitioner, she submitted an application before the respondent seeking for issuance of legal



heirship certificate for her deceased husband P.Muthu Ambalam. It is the case of the petitioner that the legal heirs of P.Muthu Ambalam have given no objection for issuance of legal heirship certificate. But, according to the petitioner, the respondent without following the procedure established under law, arbitrarily, has rejected the application for issuance of legal heirship certificate, on the ground that P.Muthu Ambalam was having two wives and has directed the petitioner to approach the Civil Court for obtaining a legal heirship certificate. According to the petitioner, the impugned order, passed by the respondent is not valid and not in accordance with Circular No.11/2017, dated 09.08.2017, which empowers the respondent to issue the legal heirship certificate when one of the wife is dead. In such circumstances, this writ petition has been filed, challenging the impugned order.

5.This Court has perused and examined the impugned order. According to the petitioner, all the legal heirs have given no objection for issuance of legal heirship certificate of P.Muthu Ambalam, including the children of the first wife of P.Muthu Ambalam. According to the petitioner, P.Muthu Ambalam married the petitioner only after the death of his first wife Pooranam. But, as seen from the impugned order, the aforementioned factors have not been considered by the respondent, while rejecting the application submitted by the petitioner, for the legal heirship certificate of P.Muthu Ambalam. The only reason given by the respondent for the rejection of the legal heirship certificate is that the deceased person has two wives and therefore, the petitioner will have to approach the Civil Court for getting the legal heirship certificate. Excepting for this reason, the contentions raised by the petitioner in this writ petition has not been duly considered by the respondent under the impugned order. However, this Court cannot issue a positive direction directing the respondent to issue a legal heirship certificate for P.Muthu Ambalam. It is for the respondent to consider all the documents relied upon by the petitioner, on merits and in accordance with law and thereafter decide, whether the petitioner is entitled to the legal heirship certificate for P.Muthu Ambalam or not.

6.For the foregoing reasons, the impugned order dated 14.09.2020, passed by the respondent is hereby quashed and the matter is remanded back to the respondent for fresh consideration. The respondent after giving sufficient opportunity to the petitioner, as well as the other legal heirs of the deceased P.Muthu Ambalam, as well as the other aggrieved parties, shall pass final orders on merits and in accordance with law with regard to the issuance of legal heirship certificate for P.Muthu Ambalam, within a period of eight weeks from the date of receipt of a copy of this



order.

7. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To

The Tahsildar,
Madurai South Taluk,
Madurai District.

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.

**W.P (MD) .No.14522 of 2020
16.10.2020**

ck (CO)

TR (02.11.2020) 3P 2C