



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2020

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.(MD).No.18105 of 2020

and W.M.P.(MD).No.15118 of 2020

WEB COPY

R.Tamilmani

.. Petitioner

Vs.

1. The District Collector,
Collectorate Campus,
Madurai District,
Madurai.
2. The Tahsildar (Madurai West Taluk)
Office of the Tahsildar (Madurai West Taluk)
Madurai, Madurai District.
3. The Chief Engineer,
Agricultural Engineering Department,
Nandhanam, Chennai - 35.
4. The Executive Engineer,
Agricultural Engineering Department,
608, H, Bharathidasan Street,
NGO Colony, Sankarankovil,
Tirunelveli District.

5.M.Dino Joeal Roy

6.M.Roshini Sherly Roy

.. 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 relating to the rejection order passed on the petitioner's application No.TN-7202011051295 for issuance of legal heirship certificate of the petitioner's husband Late.Muthurayappan and quash the same and direct the 2nd respondent to issue legal heir certificate to the petitioner, within the time stipulated by this Court.

For Petitioner : Mr.N.S.Karthikeyan

For Respondents : Mr.C.Ramar for R1 to R4
Additional Government Pleader

ORDER

(This writ petition is heard through video conference)

This writ petition has been filed challenging the rejection order passed in petitioner's application No.TN-7202011051295 for

<https://hcservices.ecourts.gov.in/hcservices/>



issuance of legal heirship certificate for the petitioner's husband late Muthurayappan and consequently, direct the second respondent to issue legal heirship certificate to the petitioner.

2. Heard Mr.N.S.Karthikeyan, learned counsel for the petitioner and Mr.C.Ramar, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 4.

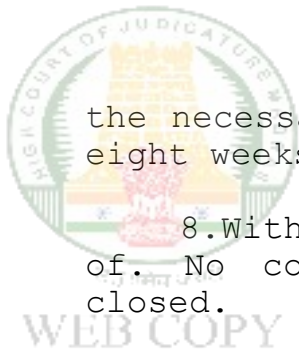
3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. It is the case of the petitioner that she remarried Mr.Muthurayappan, on 19.09.2018, after the death of her first husband, on 07.02.2011. Similarly, Mr.Muthurayappan also remarried the petitioner after the death of his first wife, on 25.11.2012. It is the case of the petitioner that her husband Muthurayappan died on 27.07.2019. After her husband's death, the petitioner has applied for a legal heirship certificate with the second respondent. However, by the impugned order, the second respondent has rejected her application on the ground that the petitioner is the second wife. Aggrieved by the same, this writ petition has been filed.

5. The learned counsel for the petitioner, drew the attention of this Court to the impugned order and would submit that the said order is arbitrary, illegal and has been passed by total non application of mind. He would submit that the petitioner has remarried to Mr.Muthurayappan only after the death of her previous husband. He would also further submit that similarly Muthurayappan remarried the petitioner only after the death of his previous wife. Therefore, he would submit that the impugned order is arbitrary, illegal and has been passed by total non application of mind.

6. This Court has also perused the impugned order. As rightly pointed out by the learned counsel for the petitioner the impugned order is arbitrary, illegal and has been passed by total non application of mind as the petitioner married Muthurayappan only after the death of her previous husband. Similarly, Muthurayappan has also remarried the petitioner only after the death of his previous wife. By total non application of mind, the second respondent has passed the impugned order rejecting the petitioner's application for issuance of legal heirship certificate for Muthurayappan on the ground that the petitioner is the second wife. There is no legal bar for the petitioner to get remarried after the death of her previous husband.

7. For the foregoing reasons, the impugned order bearing No. TN-7202011051295 is hereby quashed and the matter is remanded back to the second respondent for fresh consideration and the second respondent shall pass final order on the application submitted by the petitioner, seeking legal heirship certificate to the



the necessary parties, including the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

TM

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

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Madurai District, Madurai.
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608, H, Bharathidasan Street, NGO Colony,
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Tirunelveli District.

+1 CC to Mr.N.S.KARTHIKEYAN, Advocate SR-24964.

+1 CC to the SPL GP SR-25420.

**W.P. (MD) .No.18105 of 2020
10.12.2020**

KG (CO)

CS (22.12.2020) 3P 7C