

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2021

C O R A M

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.881 of 2021

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Petitioner

Vs.

1.The District Collector, Vellore District,
District Collector Office, Vellore,
Sathuvachari, Vellore - 632 009.

2.The Tahsildar,
Gudiyatham Taluk, Gudiyatham,
Vellore - 632 513

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Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the entire records pertaining to the impugned order passed by the second respondent vide application No.TN720201002529 dated Nil and to quash the same and consequently, direct the respondents to issue legal heir certificate to the petitioner as per the Hindu Succession Act, within a time frame fixed by this Court.

For Petitioner	: Mr.G.Vijayakumar
For Respondents	: Mr.V.Prabhu
	Government Advocate

O R D E R

This writ petition has been filed challenging the order dated Nil in application No.TN720201002529 rejecting the petitioner's application seeking for issuance of legal heirship certificate for her deceased husband T.Sekar who died on 15.01.2020 on the ground that the petitioner is the second wife of the deceased T.Sekar.

2. Mr.V.Prabhu, learned Government Advocate accepts notice for the respondents 1 & 2. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that her husband T.Sekar died on 15.01.2020. According to her, she is the legally wedded wife of T.Sekar (deceased). It is her case that she was married to T.Sekar after the death of his first wife on

01.11.2013. It is also her case that the first wife of T.Sekar died on 23.04.2011. Hence according to her, she is entitled for a legal heirship certificate disclosing the children of the first wife of T.Sekar as well as herself as the surviving legal heirs of the deceased T.Sekar. According to her, arbitrarily and by total non application of mind, the impugned order has been passed rejecting the petitioner's application seeking for issuance of legal heirship certificate for her deceased husband T.Sekar.

4. Heard Mr.G.Vijayakumar, learned counsel for the petitioner and Mr.V.Prabhu, learned Government Advocate accepts notice for the respondents 1 & 2.

5. Before this Court, the petitioner has produced her marriage certificate disclosing that she was married to T.Sekar (deceased) on 01.11.2013. The death certificate of the deceased T.Sekar has also been produced to confirm that T.Sekar died on 15.01.2020. The petitioner has also produced the death certificate of the first wife (S.Lakshmi) of the deceased T.sekar which reveals that the first wife died on 23.04.2011.

6. Admittedly, the petitioner was married to the deceased T.Sekar only after the death of the first wife of the deceased on 01.11.2013. However, all these aspects have not been considered by the second respondent while passing the impugned order. Therefore, this Court is of the considered view that the impugned orders have been passed arbitrarily and by total non application of mind. Hence, the impugned orders will have to be necessarily quashed and the matter will have to be remanded back to the second respondent for fresh consideration on merits and in accordance with law.

7. In the result, the impugned order dated nil passed in application No.TN720201002529 is hereby quashed and the matter is remanded back to the second respondent for fresh consideration and the second respondent shall pass final orders on merits and in accordance with law on the petitioner's application seeking for issuance of legal heirship certificate for her husband T.Sekar, after affording a fair hearing to the petitioner as well as the other legal heirs of the deceased within a period of twelve 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.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

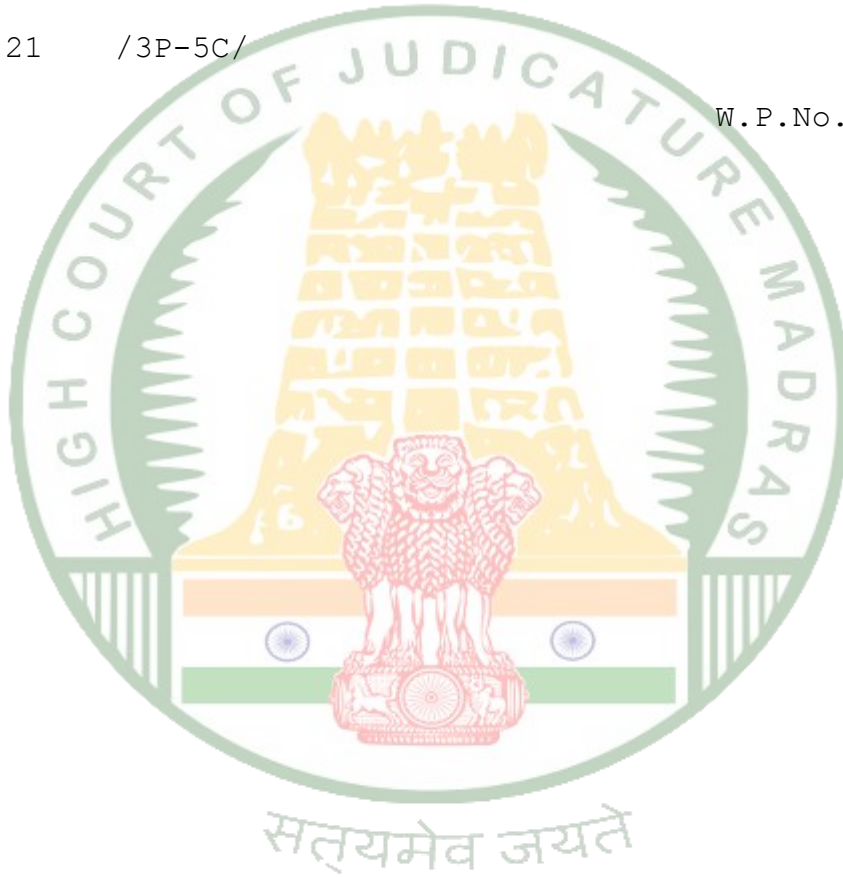
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District Collector Office, Vellore,
Sathuvachari, Vellore - 632 009.

2.The Tahsildar,
Gudiyatham Taluk, Gudiyatham,
Vellore - 632 513

+lcc to Mr.G.Vijayakumar, Advocate Sr.No.2099
+lcc to The Government Pleader SR.No.2729

AKM/11.02.21 /3P-5C/

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