

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.02.2021
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.2227 of 2021

S.Umayal Parvathi ... Petitioner

Vs

1.The Tahsildar,
Taluk Office,
Vandalur Taluk,
Chengalpet District.

2.The District Collector Office,
Chengalpet District,
Chengalpet. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus to direct the first respondent to issue the legal heir certificate in accordance to the application submitted on 22.08.2019 by the petitioner herein and acknowledged by the 1st respondent herein.

For petitioner ... Mr.V.Manohar

For respondents ... Mr.K.Parameshwaran
Government Advocate

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to consider the petitioner's application dated 22.08.2019 seeking for issuance of legal heirship certificate for her husband S.P.Balaraman who died on 23.10.1993 within a time frame to be fixed by this Court.

2. Mr.K.Parameshwaran, learned Government Advocate accepts notice on behalf of the respondents. By consent of both parties, this writ petition is taken up for final disposal at the time of admission itself.

3. It is the case of the petitioner that she is the legally wedded wife of S.P.Balaraman who died on 23.10.1993. According to the petitioner, she married S.P.Balaraman (deceased) after

the death of his first wife Rajamani who died on 10.06.1966. The petitioner applied for legal heirship certificate for her husband S.P.Balaraman (deceased) with the first respondent on 22.08.2019. According to the petitioner, the first respondent has refused to issue legal heirship certificate to the petitioner for S.P.Balaraman (deceased), since the petitioner is the second wife of S.P.Balaraman (deceased) and not entitled for the same. In such circumstance, this writ petition has been filed seeking for a mandamus to direct the first respondent to issue legal heirship certificate for S.P.Balaraman.

4. Heard Mr.V.Manohar, learned counsel for the petitioner and Mr.K.Parameshwaran, learned Government Advocate for the respondents.

5. As seen from the affidavit filed in support of this writ petition, the petitioner has married S.P.Balaraman (deceased) only after the death of his first wife who died on 10.06.1966. When the petitioner claims that she married S.P.Balaraman (deceased) only after the death of his first wife, there is no bar for the first respondent to issue legal heirship certificate for S.P.Balaraman (deceased) as the marriage of the petitioner with S.P.Balaraman (deceased) cannot be considered as bigamy. Admittedly, the application has been filed by the petitioner on 22.08.2019 with the first respondent seeking for issuance of legal heirship certificate for S.P.Balaraman who died on 23.10.1993. She has also enclosed the relevant documents in support of her case. Admittedly, till date, no final orders have been passed on the petitioner's application seeking for issuance of legal heirship certificate for S.P.Balaraman (deceased).

6. No prejudice will be caused to the respondents, if the petitioner's application dated 22.08.2019 seeking for issuance of legal heirship certificate for S.P.Balaraman (deceased) is considered on merits and in accordance with law after hearing all the necessary parties including the petitioner as well as other legal heirs of the deceased S.P.Balaraman.

7. For the foregoing reasons, this Court directs the first respondent to consider the petitioner's application dated 22.08.2019 seeking for issuance of legal heirship certificate for her deceased husband S.P.Balaraman who died on 23.10.1993 and pass orders on merits and in accordance with law after hearing all the necessary parties including the petitioner as well as other legal heirs of the deceased S.P.Balaraman 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(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Tahsildar,
Taluk Office,
Vandalur Taluk,
Chengalpet District.

2.The District Collectorate Office,
Chengalpet District,
Chengalpet.

+1cc to Mr.V.Manohar , Advocate SR.No. 5714

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A.SK(24.02.2021)



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