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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.NO.16086 OF 2021

A.Lilly Stella

... Petitioner

Versus

1. The Tahsildar,
Office of the Tahsildar,
Thiruvallur High Road,
Gandhi Nagar, Ambattur,
Chennai - 600 053
2. The Revenue Inspector,
Shanthi Nagar, KSR Nagar,
Ambattur, Chennai - 600 058.
3. The Public Information Officer,
Under the RTI Act,
Office of the Tahsildar,
Ambattur Circle, Ambattur,
Chennai - 600 053.
4. The Village Administrative Officer,
Ambattur Circle, Ambattur,
Chennai - 600 053.

5. Mrs.Rajeswari

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to application No.TN-7202102102733 and quash the order dated 12.06.2021 of the 1st respondent and consequently direct the first respondent to issue the legal heir ship certificate in application No.TN-7202102102733 of the petitioner.



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For Petitioner : M/s.Vedavallikumar

For Respondent : Mr.G.Krishnaraja
Government Counsel
For R1-R4

O R D E R

According to the petitioner, on 06.05.2004, she married one S.Mohan Kumar, which was solemnized by a church pastor, as per the Special Marriage Act. Earlier, her husband was married to one M.Rajeswari/5th respondent herein, on 22.02.1979, out of which, two children were born; and due to matrimonial dispute, they were separated by a decree of divorce dated 20.02.2004 passed by the learned 1st Additional Family Judge, Chennai, in OP.No.682 of 2003. While so, the petitioner's husband died on 20.01.2021. After dissolution of the first marriage, he married the petitioner and hence, she is the legally wedded wife of the deceased. Hence, she applied for legal heirship certificate, on 10.02.2021 vide online application bearing no.TN-7202102102733 to the respondent authorities, showing the two daughters born through the first marriage of her husband and enclosing all the necessary documents. Subsequently, the fourth respondent recommended to issue legal heirship certificate to the petitioner, vide letter dated 26.02.2021. However, no progress was made with regard to the claim of the petitioner. Upon enquiry, on 08.03.2021, the petitioner was informed that the first wife of the deceased/5th respondent gave an objection for granting legal heirship certificate to the petitioner as the decree of divorce obtained her husband was a forged one. Thereafter, on verification of the website, she came to know that her online application was rejected, on 12.06.2021, without assigning any reason. Feeling aggrieved, the petitioner has preferred this writ petition to quash the said rejection order and consequently, direct the first respondent to issue legal heirship certificate to her.

2. Heard both sides and perused the documents enclosed in the typed set of papers.

3. In this writ petition, the petitioner questioned the rejection of her online application seeking issuance of legal heirship certificate of her deceased husband S.Mohan Kumar, who originally married the fifth respondent and got two daughters through her. Admittedly, no order was served on the petitioner with regard to her online application. However, the webcopy relating to the status of the said application enclosed at page 53 of the typed set of papers, would disclose that the petitioner's application was rejected, on the ground that family



card was not enclosed and the first wife gave objection letter for issuance of legal heir certificate. Thus, there is rival claim with respect to the succession to the deceased.

4. In the circulars dated 09.08.2017 and 24.09.2019 issued by the Commissioner of Revenue Administration, Disaster Management and Mitigation Department, Chepauk, Chennai-5, relating to procedures and guidelines to be followed, while considering the claim of legal heirship certificate, it was specifically pointed out that the Tahsildars shall not issue legal heir certificate in the case of the deceased having more than one wife. In view of the same, this court is of the opinion that the order impugned herein does not call for any interference.

5. Therefore, this writ petition stands dismissed, leaving it open to the petitioner to approach the competent civil court for appropriate relief. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

dhk

To

1. The Tahsildar,
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+3ccs to M/s.Vedavallikumar, Advocate, S.R.No.52630
+1cc to the Government Pleader, S.R.No.53145

W.P.NO.16086 OF 2021

KSM(CO)
PBS/01/11/2021