



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. No. 17998 of 2021

J. Vani

.. Petitioner

Versus

The Tahsildar
Velachery Taluk
Seva Nagar 1st Road
Gandhi Nagar
Velachery
Chennai

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to issue a legal heir certificate to the petitioner declaring her as a legal heir of her deceased husband P.V. Jagannathan within a stipulated time.

For Petitioner : Mr.T.P. Prabhakaran

For Respondent : Mr.G.Krishnaraja
Government Counsel

O R D E R

The relief sought in this writ petition is to issue a Writ of Mandamus directing the respondent to issue a legal heir certificate to the petitioner declaring her as a legal heir of her deceased husband by name P.V. Jagannathan.

2. According to the petitioner, she legally wedded the said P.V. Jagannathan on 08.09.2002, after the demise of his first wife on 08.04.2002. Out of the first marriage, the petitioner's husband got one child by name, Rahul. Due to matrimonial dispute, the petitioner was living separately and she has no children, out of the said wedlock. She filed HMOP.No.75 of 2016 seeking dissolution of marriage, which is



still pending on the file of the Sub Court, Arakkonam. In the maintenance case in MC.No.1/2018 filed by the petitioner, an exparte order was passed by the learned Judicial Magistrate, Arakkonam directing the petitioner's husband to pay monthly maintenance of Rs.7,000/- to her. However, the said order was not complied with. While so, the petitioner's husband P.V.Jagannathan died on 04.10.2020. Thereafter, the petitioner approached the respondent and requested to issue legal heir certificate of her deceased husband, vide letter dated 09.12.2020, which was not entertained by the respondent. Finding no other alternative, she has come up with this writ petition for the aforesaid relief.

3. Heard the learned counsel for the petitioner, who submitted that the petitioner is a legally wedded wife of the deceased, as she married her husband, on the death of his first wife and hence, she is entitled to approach the respondent claiming legal heirship certificate along with other legal heirs. However, the respondent failed to consider such claim of the petitioner. Thus, the learned counsel prayed for appropriate direction to the respondent in this regard.

4. On the other hand, the learned Government Counsel appearing for the respondent fairly submitted that the respondent would consider the petitioner's representation dated 09.12.2020 and pass orders, on merits, within a time frame to be stipulated by this court.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this court directs the respondent to consider the representation of the petitioner dated 09.12.2020, conduct an enquiry and pass appropriate orders, on merits and in accordance with law, after providing an opportunity of hearing to the petitioner as well as any other interested parties, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above said direction, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

dhk



To

The Tahsildar
Velachery Taluk
Seva Nagar 1st Road
Gandhi Nagar
Velachery
Chennai

+1cc to Mr.Prabakar, Advocate, S.R.No.52676

+1cc to the Government Pleader, S.R.No.53147

WP No. 17998 of 2021

MG(CO)
SU(02/11/2021)