



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.NO.18360 OF 2021

AND

W.M.P.NOS.19564 & 19565 OF 2021

S.Dhanalakshmi

... Petitioner

Versus

1. The Tahsildar,
Walaja Taluk Office,
Ranipet District - 632 512.

2. The Village Administrative Officer,
Mandy Street,
Walaja Taluk Office,
Ranipet District - 632 512.

3. S.Sudha

... 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 the order of the first respondent in the petitioner's legal heir ship application No.TN-7202107204264 dated 20.07.2021 and to quash the same and consequently direct the first respondent to consider her request.

For Petitioner : Mr.K.Bhoopathy Rajan

For Respondents : Mr.Stalin Abhimanyu
Government Counsel
For R1 - R2

O R D E R

Challenging the order dated 20.07.2021 passed by the first respondent, the petitioner has come up with this writ petition. A consequential direction has also been sought to the first



respondent to consider the request of the petitioner seeking legal heirship certificate.

2. According to the petitioner, she married one Sathishkumar on 12.09.1999 as per the Hindu rites and customs and they have no children out of the said wedlock. While so, her husband developed an intimacy with the third respondent, who was already married and got two children. Two children were born to the petitioner's husband through the third respondent viz., Madhan and Rithika. Thereafter, the petitioner accepted their marriage and is taking care of the said two children as hers, till date. While so, her husband died on 09.05.2021 due to ill-health. Stating that the petitioner (1st wife), mother, and two children born through the third respondent, are the only surviving legal heirs of the deceased, the petitioner submitted an application through online to the respondents 1 and 2 seeking legal heir certificate of her deceased husband. However, without conducting any enquiry, the said application was rejected by the first respondent, stating that the deceased had two wives and hence, the petitioner was directed to approach the competent civil court for appropriate relief. Therefore, this writ petition.

3. The learned counsel for the petitioner submitted that the petitioner applied for legal heirship certificate, along with other legal heirs of her deceased husband and there is no rival claims with respect to the claiming succession to the deceased. In such circumstances, the rejection of the application of the petitioner seeking legal heirship certificate, merely stating that the deceased had two wives, cannot be sustainable in law as well as on facts. It is also submitted that in similar circumstances in WP.No.14998 of 2020, this court, by order dated 18.11.2020, allowed the said writ petition by directing the Tahsildar concerned to issue legal heirship certificate to the petitioner therein. Thus, the learned counsel prayed for allowing this writ petition.

4. On the other hand, the learned Government Counsel appearing for the respondents 1 and 2, on instructions, submitted that the order impugned herein has been recalled by the respondent authorities and hence, the claim of the petitioner seeking issuance of legal heirship certificate of her deceased husband would be reconsidered, on merits and in accordance with law, after conducting due enquiry and providing an opportunity of hearing to the petitioner as well as any other interested parties.

5. In view of the above submission made by the learned Government Counsel appearing for the respondents, this court is of the opinion that no further orders need be passed in this writ petition, except recording the same. Accordingly, this writ



petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dhk

To

1. The Tahsildar,
Walaja Taluk Office,
Ranipet District - 632 512.
2. The Village Administrative Officer,
Mandy Street,
Walaja Taluk Office,
Ranipet District - 632 512.

+1cc to the Government Pleader, S.R.No.53227

W.P.NO.18360 OF 2021

MG (CO)
PBS/02/11/2021