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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.19970 of 2021

M.Mala

... Petitioner

Vs

The Tahsildar,
Thiruvallur Taluk,
Thiruvallur District.

... Respondent

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondent to consider and pass orders on the petitioner's Applications dated 29.06.2020 and 07.07.2021 seeking Legal Heirship Certificate to the petitioner and the other legal heirs consequent to the death of the petitioner's father Mr.Muthuvel who passed away on 20.06.2020.

For Petitioner : Mr.K.S.Kumar

For Respondent : Mr.G.Krishnaraja,
Government Counsel

O R D E R

Mr.G.Krishnaraja, learned Government Counsel, takes notice for the respondent. By consent of both the parties, this writ petition is taken up for final disposal at the time of admission itself.

2. The relief sought for in this writ petition is to direct the respondent to consider the petitioner's applications dated 29.06.2020 and 07.07.2021 seeking Legal Heirship Certificate to her and the other legal heirs consequent to the death of her father Mr.Muthuvel who passed away on 20.06.2020.

3. According to the petitioner, her father Muthuvel was a practising Advocate in the Courts at Tiruttani. During his lifetime, he married one Durai Ammal and out of the said wedlock, two daughters viz., Mala and Geetha were born to them. Thereafter, her father developed a relationship with one Sreekala and out of such relationship, a daughter named Deepthi



was born to them. On coming to know about such relationship between Muthuval and Sreekala, the first wife namely Durai Ammal abandoned him along with the two children and later she got married with another man. Thereafter, the said Muthuvel started leading a life with one Dorthy and out of such wedlock, a daughter named Ammu was born to them. On 20.06.2020, Muthuvel died leaving behind him (i) the petitioner (ii) her sister Geetha, born out of the wedlock between Muthuvel and Durai Ammal (iii) Deepthi born through second wife Sreekala and (iv) and also the daughter Ammu born through the third wife. In this context, the petitioner made a representation dated 29.06.2020 to the respondent requesting to issue the legal heir certificate to the petitioner and other legal heirs. As there was no response, she sent a reminder dated 07.07.2021, which was also not considered. Finding no other option, she has come up with this writ petition for the aforesaid relief.

4. The learned counsel for petitioner submits that the petitioner and three others are daughters born to Muthuvel. Even though Muthuvel contracted three marriages, the first wife, on coming to know about the illicit relationship between Muthuvel and his second wife Sreekala, abandoned her and contracted a second marriage. Therefore, the first wife cannot be construed as legal heir of Muthuvel. Similarly, the second and third wife also cannot be construed as legal heirs of Muthuvel inasmuch as they have contracted the marriage with deceased Muthuvel during the subsistence of earlier marriage. However, the children born to Muthuvel out of the three marriages, are legally entitled to succeed to his estate as Class I legal heirs. The petitioner has submitted a representations on 29.06.2020 and 07.07.2021 for issuing a legal heir certificate and it is pending with the respondent. Therefore, he would submit that the respondent may be directed to consider the applications submitted by the petitioner for issuing a legal heir certificate within a specified time limit.

5. The learned Government Counsel appearing for the respondent submitted that the respondent would consider the representations of the petitioner and pass orders, on merits, within a time to be fixed by this Court.

6. 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 representations of the petitioner dated 29.06.2020 and 07.07.2021, conduct an enquiry, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to her and others concerned, within a period of eight weeks from the date of receipt of a copy of this order.



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7. Accordingly, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar

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To

The Tahsildar,
Thiruvallur Taluk,
Thiruvallur District.

+1cc to Mr.K.S.Kumar, Advocate SR.No.48009

+1cc to Government Pleader SR.No.48555

W.P.No.19970 of 2021

PCH (CO)
GMY (18/10/2021)