



WEB COPY



W.P.No.23276 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.23276 of 2021

T.Bindhu

... Petitioner

Vs.

The Tahsildar,
Officer of the Tahsildar,
Ganapathy,
Coimbatore North – 641 012.
Coimbatore.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the respondent vide Na.Ka.No.1750/2021/aa2 dated 16.09.2021 and to quash the same by directing the respondent to issue legal heir certificate to her.

For Petitioner : Mr.S.Nagarajan
For Respondent : Mr.U.Baranidharan
Government Advocate
for
Mr.Stalin Abhimanyu
Government Counsel

O R D E R

The petitioner has filed this writ petition seeking issuance of



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Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the respondent vide Na.Ka.No.1750/2021/aa2 dated 16.09.2021 and to quash the same by directing the respondent to issue legal heir certificate to her.

2.The learned counsel appearing for the petitioner would submit that the marriage of the petitioner and her husband was performed after his first wife left the matrimonial home and the petitioner took care of the female child born to the petitioner's husband and his first wife. The petitioner, after the death of her husband applied for legal heir certificate, however, the same was rejected.

3.The learned counsel appearing for the petitioner would further submit that without going into the merits of the case, this Court may permit the legal heir of the deceased born through his first wife to make fresh application for legal heir certificate and issue direction to the Revenue Authorities to consider the application and pass appropriate orders, within the reasonable time fixed by this Court.

4.The learned Government Advocate appearing for the respondent would submit that the present application was made by the



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petitioner claim that she is second wife of the deceased who is not legal heir and hence, the application was rejected, however, if any application is filed by the first wife and legal heir, the same would be considered in accordance with law.

5.In view of the above, this writ petition is dismissed. However, liberty is granted to the Class-I legal heir of the deceased to make fresh application seeking legal heir certificate, in accordance with law. No costs.

12.11.2021

pri

Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

The Tahsildar,
Officer of the Tahsildar,
Ganapathy,
Coimbatore North – 641 012.
Coimbatore.



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M.DHANDAPANI,J.
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