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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.23959 of 2021

R.Dhayenandan

... Petitioner

vs.

1. The District Collector,
Office of the Collectorate Building,
Salem District.
2. The Tahsildar,
Salem Taluk Office,
Kannankurichi Main Road,
Hasthampatti,
Salem District.
3. The Revenue Inspector,
Salem Town,
Salem District.
4. The Village Administrative Officer,
Periyeri Village,
Arisipalayam - Parvathipuram Area,
Salem District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified mandamus, to call for the records relating to the rejection of the Petitioner's Application vide Application No.TN-7202104222188, dated 22.04.2021 by the 2nd Respondent in respect of refusal to issue Legal Heirship Certificate of the deceased wife S.Kalaiselvi, is against law and quash the same and consequently direct the 2nd Respondent to issue Legal Heirship Certificate in his name in respect of the death of the Petitioner's wife S.Kalaiselvi, who died on 13.07.2020 at S.K.S.Hospital, Salem Corporation Division 17, Salem.

For Petitioner : Mr.N.Vijaya Basker

For Respondents 1 & 2 : Mr.M.R.Gokul Krishnan,
Government Advocate

For Respondents 3 & 4 : Mr.M.Ravindran



O R D E R

Petitioner has come up with this Writ Petition challenging the rejection of his Application No.TN-7202104222188, dated 22.04.2021 by the 2nd Respondent in respect of refusal to issue Legal Heirship Certificate of his deceased wife S.Kalaiselvi, and for a consequential direction to the 2nd Respondent to issue Legal Heirship Certificate in his name in respect of the death of his wife S.Kalaiselvi, who died on 13.07.2020 at S.K.S.Hospital, Salem Corporation Division 17, Salem.

2. According to the Petitioner, he got married to one S.Kalaiselvi on 25.05.2018. Due to misunderstanding between them, the Petitioner filed a Petition for divorce in H.M.O.P.No.3152 of 2019 on the file of the V Additional Family Court, Chennai. On coming to know about the filing of the Petition for divorce, the Petitioner's wife filed a complaint against the Petitioner and his parents and the F.I.R. came to be registered in Crime No.8 of 2019 on 08.04.2019. In the meanwhile, the Petitioner's wife Kalaiselvi died due to chronic illness. Thereafter, the Petitioner filed an Application for issuance of Legal Heirship Certificate and the same came to be rejected by the 2nd Respondent vide proceedings dated 22.04.2021. Challenging the same, the present Writ Petition is filed.

3. Learned counsel for the Petitioner submitted that pursuant to the rejection of the Petitioner's Application for issuance of Legal Heir Certificate on 14.11.2021 through online, the Petitioner made a fresh Application on the same day with supporting documents and hence, he prayed for a direction to the Respondents to consider and dispose of the said Application.

4. Learned Government Advocate appearing for the Respondents 1 and 2 submitted that, a direction may be issued to the 2nd Respondent herein to consider the Petitioner's Application in accordance with law.

5. Taking note of the submissions of the learned counsel on either side and considering the facts and circumstances of the case, this Court directs the 2nd Respondent herein to consider the Petitioner's fresh Application dated 14.11.2021 after giving an opportunity of hearing to the Petitioner and other interested parties like, parents of the deceased and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



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The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-IX)

//True copy//

Sub Assistant Registrar

(aeb)

To:

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+1cc to Mr.M.Ravindran, Advocate SR.No.59213

+1cc to M/s.Law Vision, Advocate SR.No.59201

W.P.No.23959 of 2021

AJS (CO)

GMV (03/12/2021)