



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No. 25439 of 2021

and

W.M.P.No. 26875 & 26876 of 2021

S.Sasikumar

... Petitioner

-Vs-

1. The Tahsildar,
Gudiyatham,
Vellore District

2. Gaja

... Respondents

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari or any other writ, calling for the records pertaining to the impugned Legal Heir Certificate No. TN- 7202102162409 dated 31.03.2021 passed by the 1st respondent and quash the same.

For Petitioner : M/s. S.Hemalatha

For Respondents : Mr. M.R.Gokul Krishnan
Government Advocate

R2- No appearance

O R D E R

This writ petition is filed for the issuance of a Writ of Certiorari or any other writ, calling for the records pertaining to the impugned Legal Heir Certificate No. TN- 7202102162409 dated 31.03.2021 passed by the 1st respondent and quash the same.

2. The case of the petitioner is that the petitioner are sons and daughters of the 1st wife of late T.Sekar. The grievance of the petitioner is that without considering the Civil Suit is filed by the petitioner challenging the marriage of the 2nd respondent in OS No. 12 of 2021, the tahsildar issued a legal heir certificate in favour of the private respondent as well as



the petitioner. On the sole ground the present writ petition is filed.

3. Since no adverse orders are passed against the 2nd respondent, Hence notice on the 2nd respondent is dispensed with.

4. Mrs. Hemalatha, learned counsel appearing for the petitioner submitted that the petitioner filed a suit in OS No. .12/2021. for declaration of the registered marriage in between their father and the 2nd respondent as null and void. Though there is no interim order in the Suit, however, the tahsildar issued a legal heir certificate in favour of the 2nd respondent which is not sustainable. It is further submitted that till conclusion of the Civil Suit the legal heir certificate issued, may kept in abeyance and accordingly prays for appropriate orders.

5. Learned Government Advocate appearing for the respondent, submitted that 1st respondent filed a writ petition before this Court challenging the rejection of the legal heir certificate by the tahsildar and this Court by its order dated in W.P.No.881 of 2021 dated 19.01.2021 quashed the proceeding and issued a direction to the Tahsildar to consider the 1st respondent application based on which the present legal heir certificate was issued.

6. Learned Government Advocate appearing for the respondent submitted that the marriage of the petitioner's father and the 1st respondent is a valid one and the same is registered marriage and on the death of the first wife, the second wife is entitled to the legal heir certificate. If at all, the petitioner has any grievances, they have to work out their remedy before the competent Civil Court.

7. The petitioner who is sons and daughters of the 1st wife already approached the competent Civil Court for declaration of the marriage of their father and the 2nd wife i.e. 2nd respondent as null and void. Admittedly the same is pending without any interim order. In the absence of any interim order or prohibitory order, the revenue officials have issued a legal heir certificate in favour of the 2nd respondent. However, the marriage itself is challenged before the competent Civil Court. In view of the above, I am inclined to pass following orders.



8. The legal heir certificate issued by the Tahsildar shall be subject to the result of its Civil Suit and the Petitioner and 2nd respondent is directed to canvas all the reliefs before the competent Civil Court. With the above direction the writ petition is disposed of. No costs. Consequently connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

The Tahsildar,
Gudiyatham,
Vellore District

+lcc to M/s. S.Hemalatha, Advocate, S.R.No.62091
+lcc to the Government Pleader, S.R.No.62614

W.P.No. 25439 of 2021
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MG[co]
NSK 28/01/2022