



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.3309 of 2021

P.Tamilarasi

... Petitioner

Vs.

1.The District Collector,
Pudukottai,
Pudukottai District.

2.The Sub Collector,
O/o. The Sub Collector,
Aranthangi,
Pudukottai District.

3.The Tahsildar,
O/o. The Tahsildar Office,
Manalmelkudi Taluk,
Manalmelkudi,
Pudukottai District.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 3rd respondent to issue Legal Heir Certificate by including the name of the petitioner as second wife in the light of Memo issued by the 2nd respondent in his proceedings in Na.Ka.4921/2020A8, dated 28.12.2020 and by considering her representation, dated 31.12.2020, within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Siva Shankar

For Respondents : Mr.M.Lingadurai

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the third respondent to issue Legal Heirship Certificate by showing the name of the petitioner as the wife of the deceased by considering the representation made by the petitioner, on 31.12.2020.

2.The case of the petitioner is that late Sekar was originally married to Senthilmathi and she died on 28.10.2012. Thereafter, the petitioner was married to Late Sekar and it was also registered in the Sub Registrar Office, Madurai.

3.It is stated that the husband of the petitioner died, on 08.10.2020 leaving behind the petitioner. The petitioner applied for a Legal Heirship Certificate before the third respondent along with all the relevant documents. Since the same was not considered,



the petitioner made a representation before the second respondent and the second respondent through letter, dated 28.12.2020, directed the third respondent to act on the application submitted by the petitioner. The grievance of the petitioner is that the third respondent has not acted upon the representation / application. Left with no other alternative the present writ petition has been filed before this Court.

4.Heard Mr.M.Siva Shankar, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the respondents.

5.Taking into consideration the facts and circumstances of this case and the limited relief sought for in this writ petition, there shall be direction to the third respondent to consider the application / representation made by the petitioner, on 31.12.2020 and deal with the same on its own merits and in accordance with law and take a decision within a period of four weeks from the date of receipt of a copy of this order.

6.The petitioner is directed to submit all the relevant documents before the third respondent and third respondent shall conduct an enquiry as to whether there are any other legal heirs whose names will have to be added in the Legal Heirship Certificate.

7.The petitioner is directed to make a fresh representation to the third respondent along with all the relevant documents and a copy of this order.

8.This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
Pudukottai, Pudukottai District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Sub Collector,
O/o. The Sub Collector,
Aranthangi, Pudukottai District.

3.The Tahsildar,
O/o. The Tahsildar Office,
Manalmelkudi Taluk,
Manalmelkudi, Pudukottai District.

+1 CC to M/s.M.SIVASANKAR, Advocate (SR-20503[F] dated 29/06/2021)

+1 CC to M/s.SPL GP (SR-20700[F] dated 30/06/2021)

**W.P. (MD) .No.3309 of 2021
28.06.2021**

KK(06.07.2021) 3P 6C