



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.7642 of 2021

Umadevi

...Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Additional Chief Secretary to Government,
Revenue and Disaster Management Department,
Fort St.George, Chennai-600 009.
 2. The District Collector,
Collectorate, Dindigul District,
Dindigul.
 3. The Revenue Divisional Officer,
Taluk Office, Palani Taluk,
Dindigul District, Pin-624601.
 4. The Tahsildar,
Taluk Office, Palani Taluk,
Dindigul District, Pin-624 601. ... Respondents
- (The respondent Nos.1 to 3 are deleted as per order of this Court dated 08.04.2021 in W.P(MD) NO.7642/2021).

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the fourth respondent to consider the petitioner's representations dated 28.12.2020 and 25.02.2021 to include the petitioner's name in the Legal Heirship Certificate of her deceased husband Late.Vellairaj, issued vide Ref.Pa.Mu.No.3882/2019/A2, dated 01.08.2019 and to issue fresh Legal Heirship Certificate to the petitioner.

For Petitioner	: Mrs.S.Krishnaveni Senior Advocate for Mr.P.Thiyagarajan
For Respondents	: Mr.M.Muniasamy Additional Government Pleader

ORDER

The first to third respondents are not necessary parties in this Writ Petition and hence deleted.



2. This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the fourth respondent to consider the representations made by the petitioner on 28.12.2020 and 25.02.2021, wherein, the petitioner has sought for adding her name in the Legal Heirship Certificate issued by the fourth respondent.

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3. The case of the petitioner is that her husband Late.Vellairaj was married to one Manonmani and out of the said wedlock, there was one son named as Senthil Kumar. The first wife died on 15.07.1998. The petitioner thereafter married the said Vellairaj and out of the said wedlock, there were two sons born, namely, Nithish Kumar and Rishikesh Kumar.

4. The husband of the petitioner died on 13.06.2019. Thereafter, an application was submitted seeking for Legal Heirship Certificate and in the said application, the name of the petitioner was also specifically mentioned as a Legal Heir.

5. When the fourth respondent dealt with the said application, a Legal Heirship Certificate was issued by mentioning the names of the other legal heirs except the petitioner. According to the petitioner, this was done by the fourth respondent on a wrong understanding that the petitioner is the second wife and therefore, she cannot be considered as a legal heir of the deceased Vellairaj.

6. The petitioner therefore made representations to the fourth respondent on 28.12.2020 and 25.02.2021 requesting for adding the name of the petitioner in the Legal Heirship Certificate and to issue a fresh certificate. Since the same was not considered, the present Writ Petition has been filed before this Court seeking for appropriate directions.

7. Heard Mrs.Krishnaveni, learned Senior counsel appearing for the petitioner and Mr.M.Muniasamy, learned Additional Government Pleader appearing on behalf of the respondents.

8. It can be seen from records that the petitioner was married to the deceased Vellairaj only after the first wife died on 15.07.1998. The marriage of the petitioner to the said Vellairaj in the year 2005 is perfectly valid and the petitioner gets the status of wife and she should be considered as Class-1 legal heir of the deceased Vellairaj.

9. In view of the above, there shall be a direction to the fourth respondent to consider the representations made by the petitioner on 28.12.2020 and 25.02.2021 and issue a fresh Legal Heirship Certificate by adding the name of the petitioner as a legal heir within a period of six (6) weeks from the date of receipt of a copy of this order.



10. The petitioner is directed to make a fresh representation to the fourth respondent along with a copy of this order.

11. The Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (RTI ACT)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

To

The Tahsildar,
Taluk Office, Palani Taluk,
Dindigul District, Pin-624 601.

+1 CC to M/s.SPL GP (SR-15595[F] dated 09/04/2021)

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.

Order made in

W.P. (MD) .No.7642 of 2021

Dated:

08.04.2021

RK (27.04.2021) 3P 3C