



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 31.08.2021**

**CORAM**

**THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY**

**W.P (MD)No.15401 of 2021**

WEB COPY

Alagammal @ Alagammai

... Petitioner

Vs.

1.The District Collector,  
Thanjavur,  
Thanjavur District.

2.The Tahsildar,  
Pattukkottai Taluk,  
Thanjavur District.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to issue Legal Heir Certificate based on the petitioner's application, dated 05.03.2020.

For Petitioner : Mr.NA.Palaniyandi

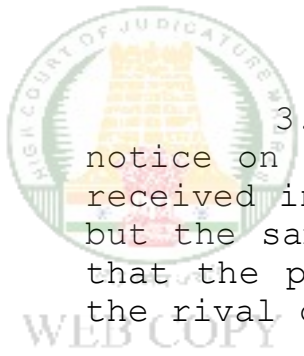
For Respondents : Mr.P.Subbaraj

Counsel for State.

**ORDER**

The petitioner seeks a direction to the second respondent to issue a legal heirship certificate in respect of her late husband Mathimanickam.

2.The petitioner states that she married the late Mathimanickam on 03.02.2001. According to the petitioner, the earlier marriage of her late husband to one Govindammal Selvi was dissolved by a divorce in accordance with local customs. The petitioner relies upon the judgment and decree in O.S.No.60 of 2013 by which she was declared as the sole legal heir of her late husband after contest. The petitioner points out that the first wife and the sisters of her late husband were joined as parties to the aforesaid suit. Such suit was carried in appeal by the petitioner's sisters-in-law and the appeal was also rejected by judgment and decree dated 16.09.2019. After submitting representations dated 05.03.2020 and 05.11.2020 for the grant of a legal heirship certificate, the present writ petition is filed.



3.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that he has received instructions to the effect that a second appeal was filed but the same is still at the SR stage. Consequently, he submits that the petitioner's representation may be decided after putting the rival claimants on notice.

4.The petitioner has enclosed the death certificate of her late husband, the judgment and decree in O.S.No.60 of 2013 and the judgment and decree in A.S.No.1 of 2017. As such, she has made out a case for the consideration of her representation. At the same time, it is necessary that the other parties to the civil litigation be put on notice so as to ascertain whether a second appeal was filed and, if so, whether any orders have been passed therein.

5.Accordingly, without going into the merits of the matter, the second respondent herein is directed to consider the petitioner's representation dated 05.11.2020 and pass a reasoned order thereon within a period of three (3) months from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner, Mrs.Govindammal Selvi, Mrs.Sinthamani and Mrs.Chinnapottu.

6.W.P.(MD).No.15401 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,  
Thanjavur,  
Thanjavur District.

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



2.The Tahsildar,  
Pattukkottai Taluk,  
Thanjavur District.

+1 CC to M/s.NA.PALANIYANDI, Advocate (SR-27778[F] dated  
01/09/2021)

+1 CC to M/s.SPL GP (SR-27768[F] dated 01/09/2021)

W.P (MD) No.15401 of 2021  
31.08.2021

PS (CO)  
SB(08.09.2021) 3P 5C