



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.18092 of 2021

and

W.M.P. (MD) .No.14928 of 2021

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Thangaselvi

... Petitioner

Vs.

The Tahsildar,
Eral Taluk,
Thoothukudi District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned online application status report dated 24.07.2021 of the respondent and to quash the same and consequently direct the respondent to issue Legal Heirs Certificate to the petitioner's deceased husband Abiraham, S/o.Jebamani.

For Petitioner : Mr.J.David Ganesan
For Respondent : Mr.P.Subbaraj,
Counsel for State

ORDER

The petitioner assails an online application status report dated 24.07.2021 of the respondent by which the application of the petitioner for a legal heirship certificate was rejected.

2.The petitioner states that she is the wife of the late Abiraham. It is further stated that the said Abiraham was previously married to another woman and that the said person died without issues. Since the marriage between the petitioner and the said Abiraham took place after the death of the previous wife, the petitioner states that her marriage to Abiraham is valid. The petitioner also states that she and Abiraham had two children. In addition, the petitioner's deceased husband was survived by his mother. Consequently, the above mentioned four persons are the legal heirs of Abiraham. The petitioner relies upon an award dated 14.09.2021 of the Lok Adalat, whereby it was declared that the above mentioned four persons are the legal heirs of the deceased Abiraham.

3.Thereafter, the petitioner made an application through the Tamil Nadu E-Seva Centre on 24.07.2021 seeking a legal heir certificate. The said application was rejected by the impugned order. The Writ Petition is filed in these facts and circumstances.



4.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the sole respondent. He submits that the respondent may be directed to reconsider the matter by taking into account the award of the Lok Adalat.

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5.Upon perusal of the impugned communication, it merely sets out the conclusion that Abiraham had two wives and, therefore, the petitioner should approach a court for purposes of obtaining a legal heir certificate. Thus, it appears that the respondent did not take into account the fact that the petitioner had approached a civil court by filing O.S.No.210 of 2018, which was disposed of by the award of the Lok Adalat dated 14.09.2019. While the award refers to the petitioner's husband as Abraham, the same appears to be an inconsequential difference in spelling. Consequently, the impugned order cannot be sustained and is quashed.

6.As a corollary, the matter is remitted for reconsideration by the Tahsildar. For such purpose, the petitioner is permitted to resubmit the application along with all relevant documents. Such re-submission shall be made within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt thereof, the respondent is directed to re-consider such application by taking into account the award dated 14.09.2019 of the Lok Adalat. On such basis, the respondent is directed to complete the exercise within a period of two (2) months from the date of receipt of a copy of this order.

7.Accordingly, W.P.(MD).No.18092 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P.(MD).No.14928 of 2021 is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/nsr

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

The Tahsildar,
Eral Taluk,
Thoothukudi District.

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+1 CC to M/s.SPL.GP (SR-31764[F] dated 08/10/2021)

W.P (MD) No.18092 of 2021
07.10.2021

NSN (CO) /RS (21.10.2021) 3P 3C