



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.19472 of 2020

WEB COPY

S.Antonymsamy

... Petitioner

Vs

The Tahsildar,
Paramakudi Taluk,
Paramakudi,
Ramanathapuram District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned passed by the respondent in his proceedings in O.Mu.(B6)/12765/2018, dated 30.11.2018 and quash the same and consequently, direct the respondent to issue legal heirship certificate to the petitioner as he is only the legal heir of Mr.Valli W/o.Anthony Samy within a time as stipulated by this Court.

For Petitioner : Mr.P.Gunaseakarn
For Respondent : Mr.S.Angappan
Government Advocate

ORDER

Heard the learned counsel for the petitioner.

2.The petitioner got married to one Santhiammal. The said marriage was not dissolved in accordance with law. He thereafter got married to one Valli. The said Valli has passed away. The petitioner approached the respondent for issuance of legal heirship certificate. The respondent, by the impugned order, rejected the petitioner's request. The same is under challenge in this writ petition.

3.The learned counsel appearing for the petitioner reiterated the contentions set out in the affidavit filed in support of the writ petition.

4.I am of the view that the impugned order is very much sustainable and valid. The petitioner admittedly did not obtain formal decree of divorce dissolving his first marriage. Therefore, his second marriage cannot be treated as a valid one in the eye of law. Hence, the petitioner cannot be considered as a legal heir of Valli. Therefore, the impugned order does not call for any



interference. The Writ Petition is dismissed. However, I make it clear that the dismissal of this writ petition will not affect the right of the petitioner to obtain any benefit in his capacity as nominee of the deceased Valli. No cost.

Sd/-

Assistant Registrar (AS)

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// 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

The Tahsildar,
Paramakudi Taluk,
Paramakudi,
Ramanathapuram District.

+1 CC to SGP (SR-111[F] dated 05/01/2021)

W.P. (MD)No.19472 of 2020

04.01.2021

MA (CO)

NR (22/01/2020) 2P : 3C