



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19744 of 2020

Lakshmi

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Tahsildar,
Agastheeswaram Taluk,
Present at Nagercoil,
Kanyakumari 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 2nd respondent to issue legal heir certificate in favour of the petitioner on the basis of the petitioner representation dated 01.09.2020.

For Petitioner : Mr.Sankar.M

For Respondents : Mr.M.Rajarajan,
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.One V.Krishnan passed away on 17.08.2020. He had retired from Tamilnadu State Transport Corporation. It appears that Krishnan was also in relationship with another woman by name Bagavathiammal. The said Bagavathiammal claiming to be the wife of Krishnan, had applied through online mode for issuance of legal heir certificate. The petitioner has raised her objection stating that she is the legally wedded first wife of Krishnan and that the so called marriage between Krishnan and Bagavathiammal cannot be recognized.

3.As rightly pointed out by the learned Additional Government Pleader appearing for the respondents, the Tahsildar cannot go into the said rival claim. The parties therefore will have to necessarily work out their rights before the jurisdictional Civil Court.



4. Leaving open the rights of the parties, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (RTI Act)

// True Copy //

WEB COPY

/ /2021

Sub Assistant Registrar (CS)

ias

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,
Kanyakumari District,
Nagercoil.

2. The Tahsildar,
Agastheeswaram Taluk,
Present at Nagercoil,
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-3071[F] dated 03/02/2021)

W.P (MD) No.19744 of 2020
02.02.2021

SRK (CO)

KB (16.02.2021) 2P 4C