



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2021

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P. (MD)No.20499 of 2021

WEB COPY

Lakshmi

... Petitioner

vs.

1.The District Collector,
Tenkasi District.

2.The Tahsildar,
Kadayanallur Taluk, Tenkasi District.

3.Chockalingam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second respondent to issue the rectified Legal Heir Certificate of the petitioner's deceased husband, namely, Arumugasamy to include the petitioner's name as a Legal Heir by considering the petitioner's representation, dated 07.09.2021.

For Petitioner	:Mr.V.Sasikumar
For R1 and R2	:Mr.S.Shanmugavel Special Government Pleader
For R3	:Mr.S.Sankar

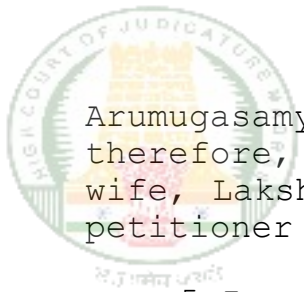
O R D E R

This Writ Petition has been filed in the nature of Mandamus seeking a direction to the second respondent to issue the rectified Legal Heir Certificate of the petitioner's deceased husband, namely, Arumugasamy to include the petitioner's name as a Legal Heir by considering the petitioner's representation, dated 07.09.2021.

2.Heard Mr.V.Sasikumar, learned Counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader for R1 and R2 and Mr.S.Sankar, learned Counsel for the third respondent.

3.The entire issue surrounds the grant of legal heirship certificate with respect to the deceased Arumugasamy. It must be noted that the said Argumugasamy originally married one Shamugathai. The third respondent, Chockalingam, is their son. Shanmugathai died on 16.12.2008. After the death of Shanmugathai, Arumugasamy married the present petitioner, Lakshmi on 02.09.2009.

4.Naturally, it is a lawful wedding, since the said wedding had been conducted only after the death of the first wife. For the petitioner, a child was born, namely, Poomari, on 29.02.2012.



Arumugasamy, unfortunately, died on 09.02.2019. His legal heirs, therefore, are his son by the first wife, namely, Chockalingam, his wife, Lakshmi and daughter, Poomari. This is what is sought by the petitioner to be issued consequent to the death of Arumugasamy.

5. In the legal heirship certificate actually issued by the second respondent/Tahsildar, the name of the petitioner has been omitted. That is not correct. That is wrong. Hence, a direction is issued to the second respondent to re-examine the issue, examine the credentials of the petitioner and also examine Chockalingam, son of Arumugasamy, through Shanmugathai and thereafter, issue a fresh legal heirship certificate by including the names of Lakshmi, Chockalingam and Poomari. The entire exercise must be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. With the said observations, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cmr

To

1. The District Collector,
Tenkasi District.

2. The Tahsildar,
Kadayanallur Taluk, Tenkasi District.

+1 CC to M/s.SPL GP (SR-37909[F] dated 09/12/2021)

+1 CC to M/s.V.SASI KUMAR, Advocate (SR-38056[F] dated 09/12/2021)

W.P. (MD) No.20499 of 2021
08.12.2021

SRK(CO)
KB(21.12.2021) 2P 5C