



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.21489 of 2021

and

W.M.P(MD) .No.18052 of 2021

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C.Uma

... Petitioner

Vs.

The Tahsildar,
Tahsildar Office,
Palayamkottai,
Tirunelveli District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the respondent in TN-7202108171842, dated 17.08.2021 and quash the same and further directing the respondent to issue Legal Heir Certificate to the petitioner.

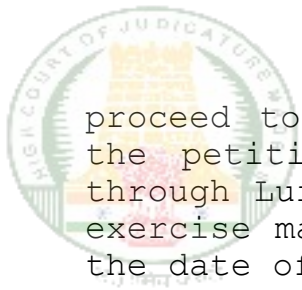
For Petitioner : Mr.G.M.Xavier
For Respondent : Mr.N.Satheesh Kumar,
Additional Government Pleader.

ORDER

The petitioner sought legal heirship certificate with respect to her late husband, Sivaraja, who died on 02.07.2021. The respondent / the Tahsildar, Palayamkottai in Tirunelveli District appears to have rejected the grant of legal heirship certificate.

2. The brief note of the respondent indicates that the respondent had stated that the late husband / Sivaraja has two wives, therefore, declined to grant legal heirship certificate. However, it is pointed out by the petitioner that as between her husband, Sivaraja and his first wife, Lurthu Madha @ Lurthu, H.M.O.P.No.42 of 1990 was filed before the Sub-Court, Tenkasi and by judgment dated 03.05.1990, the said marriage had been dissolved in manner known to law. In view of that particular fact, the learned counsel for the petitioner stated that it would be highly unreasonable on the part of the respondent to reject the legal heirship certificate.

3. The matter is remitted back to the Tahsildar to give further opportunity to the petitioner and the petitioner may give once again a copy of the order granting Divorce between Sivaraja and Lurthu Madha @ Lurthu and thereafter, on examining such Court Judgment and on coming to personal satisfaction, the Tahsildar may



proceed to issue legal heirship certificate including the name of the petitioner and the names of all children of Sivaraja, both through Lurthu Madha @ Lurthu and also the petitioner herein. Such exercise may be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

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4. With the above observations, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Lm/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,
Tahsildar Office,
Palayamkottai,
Tirunelveli District.

+1 CC to M/s.G.M.XAVIER, Advocate (SR-37818[F] dated 08/12/2021)

+1 CC to M/s.SPL GP (SR-37577[F] dated 07/12/2021)

W.P (MD) No.21489 of 2021
06.12.2021

SR (CO)

GC(13.12.2021) 2P 4C