



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.22176 of 2021

and

W.M.P. (MD) .No.18743 of 2021

Sherin Sunder Singh

... Petitioner

Vs.

1.The Commissioner of Revenue Administration,
Commissionarate of Revenue Administration,
Ezhilagam,
Chepauk,
Chennai - 600 005.

2.The District Collector,
Tirunelveli District,
Tirunelveli - 627 009.

3.The Tasildhar,
Palayamkottai Taluk Office,
Kokkirakulam,
Tirunelveli - 627 009.

... Respondents

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 of the impugned order in O.Mu.A4/4104/2021 dated 16.11.2021 on the file of the third respondent and quash the same and further directing the third respondent to issue legal heir certificate to the petitioner.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.N.Satheesh Kumar

Additional Government Pleader

ORDER

Heard Mr.R.Maheswaran, learned counsel for the petitioner and Mr.N.Satheesh Kumar, learned Additional Government Pleader who appears on behalf of the respondents.

2. The petitioner seeks legal heirship certificate with respect to her husband, Samuvel Sundar Singh, who died on



19.05.2021. Samuvel Sundar Singh had a wife, Rita, who died on 07.08.1989. After her death, the petitioner, Sherin Sunder Singh married Samuvel Sundar Singh on 03.11.1991.

3. With such marriage, the petitioner is recognized as wife of Samuvel Sundar Singh and cannot be categorized as second wife, since it is a lawful marriage performed after the death of the first wife. The petitioner has no children. However, Samuvel Sundar Singh and Rita had two daughters. Naturally, the legal heirship certificate has to be issued now in the name of the petitioner, Sherin Sunder Singh and also in the names of two daughters, namely, Angela Thangam and Andria Maragatham.

4. A direction is given to the petitioner to apply for legal heirship certificate to the third respondent and on receipt of the same, the third respondent is directed to issue notice to the petitioner, enquire about all these facts, satisfy himself that after the first wife had died, the petitioner had married Samuvel Sundar Singh, and that it is a lawful marriage and then issue a legal heirship certificate including the names of the petitioner and the names of the two daughters aforesaid mentioned. The third respondent is under an obligation to comply with the above exercise within a period of eight (8) weeks from the date of receipt of a fresh application by the petitioner.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Nsr/Lm

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 Commissioner of Revenue Administration,
Commissionarate of Revenue Administration,
Ezhilagam,
Chepauk,

<https://hcservices.ecourts.gov.in/hcser/005>



2.The District Collector,
Tirunelveli District,
Tirunelveli - 627 009.

3.The Tasildhar,
Palayamkottai Taluk Office,
Kokkirakulam,
Tirunelveli - 627 009.

+1 CC to M/s.SPL GP (SR-39270[F] dated 17/12/2021)

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-39423[F] dated 17/12/2021)

**W.P. (MD) .No.22176 of 2021
16.12.2021**

RD(29.12.2021) 3P 6C