



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No. 838 of 2022

and

WMP.No.917 of 2022

1. M.Lakshmi
2. M.Suresh Chandar
3. M.Lokesh Babu
4. M.Vidhya

...Petitioners

Vs.

1. The District Collector,
Vellore District,
Vellore.

2. The Thasildar,
Vellore Taluk,
Vellapadi, Vellore,
Vellore District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to consider the petitioners' application dated 13.12.2021 and to issue the legal heirs certificate to the petitioners as a legal heirs of deceased Munusamy who died on 30.08.2021.

For Petitioners: Mr.R.Govindasamy

For Respondent : Mr.P.Gurunathan
Additional Government Pleader

O R D E R

The Writ Petition has been filed seeking direction to the second respondent to consider the petitioners' application dated 13.12.2021 and to issue the legal heirs certificate to the petitioners.

2.The facts of the case are as follows:

The first petitioner is the wife and the petitioners 2 to 4



are sons and daughter respectively to the deceased Munusamy, who died on 30.07.2021. The further case of the petitioner is that the deceased Munusamy got married with one Shanthi @ Susheela in the year 1969. Due to misunderstanding between the deceased and the said Shanthi, she deserted her husband and left the matrimonial home within a period of three months from the date of the marriage. Subsequently, the said Shanthi got married with one Venkatesan and she had one daughter. The deceased Munusamy and the said Shanthi given consent and separated before the Village Panchayat. Thereafter, the deceased Munusamy wedded the first petitioner and out of their wedlock, the petitioners 2 to 4 were born. Due to ill health, the petitioner died on 30.07.2021. That being the case, after demise of the deceased Munusamy, the first petitioner submitted an application on 30.09.2021 through on-line to the second respondent and the same is pending. Again, the petitioners have made an application on 13.12.2021 in person to the second respondent and the same is also pending. Due to inaction of the second respondent, the petitioners have filed the present writ petition before this Court seeking the above said relief.

3.The learned counsel for the petitioners submitted that the said Santhi @ Susheela filed a maintenance case under Section 125 of Cr.P.C. Before the learned Judicial Magistrate-IV, Vellore against the deceased Munusamy and after hearing, the learned Judge dismissed the same dated 28.02.2003 on the ground that after getting marriage with the deceased Munusamy, due to misunderstanding, the said Shanthi left the matrimonial home and got second marriage with some other person viz., Vekatesan and out of such wedlock, they got one female child. Without considering all the facts, the second respondent rejected the petitioners' application. The petitioners are the legal heirs of the deceased Munusamy. The petitioners have submitted the application along with all the relevant documents to the second respondent. However, there is no response from the second respondent so far. Therefore, this Court may issue a direction to the second respondent to consider the petitioners' application and pass appropriate orders within the stipulated time as fixed by this Court.

4.On the other hand, the learned Government counsel taking notice for the respondents and fairly submitted that the petitioners' made an application seeking to issue legal heirship certificate as a legal heirs of deceased Munusamy who died on 30.08.2021 to the second respondent. However, the first petitioner is the second wife of the deceased. The said Shanthi, who is the first wife of the deceased, objected to issue legal heirship certificate in favour of the petitioners. Hence, the application made by the petitioners' was rejected. However, the second respondent will be considered the representation of



the petitioners and appropriate orders will be passed on merits within a time frame to be fixed by this court.

5. Heard the learned counsel for the petitioners and the learned Additional Government Pleader appearing on behalf of the respondents and perused the materials available on record.

6. Considering the facts and circumstances of the case and having regard the submissions made by the learned counsel on either side, the second respondent is directed to consider the representation of the petitioners' dated 13.12.2021 and conduct an enquiry, afford an opportunity of hearing to necessary parties, consider the documentary evidence that may be submitted by them and thereafter, issue legal heirship certificate to the eligible persons, on merits and in accordance with law, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order.

7. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

rli

To

1. The District Collector,
Vellore District,
Vellore.

2. The Thasildar,
Vellore Taluk,
Vellapadi, Vellore,
Vellore District.

+1cc to Mr.R.Govindasamy, Advocate, S.R.No.6276

+1cc to the Government Pleader, S.R.No.6487

W.P. No. 838 of 2022
and
WMP.No.917 of 2022

PL(CO)
RGA(18/02/2022)