



WEB COPY



W.P.No.8256 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.8256 of 2022

and

W.M.P.No.8243 of 2022

R.Thimmai

... Petitioner

-Vs-

1.The Tahsildar,
Puliyur Taluk,
Egmore.

2.R.Subbulakshmi
3.Kasthuri Thilagam
4.Rajathilagam
5.P.Rajina

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent made in online status rejecting the request for grant of REV-114 Legal heirship certificate and quash the same and consequently direct the 1st respondent to provide the legal heirship certificate to the petitioner.

For Petitioner : Mr.N.Umapathi
For R1 : Mr.R.Kumaravel,
Additional Government Pleader
For R2 to R5 : No appearance



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ORDER

WEB COPY The prayer sought for herein is for a Writ of Certiorarified Mandamus to quash the online status rejecting the request for grant of REV-114 Legal heirship certificate made by the first respondent and consequently direct the 1st respondent to provide the legal heirship certificate to the petitioner.

2.The petitioner's late husband one M.Ramar has got two wives. The petitioner is the second wife. After the demise of her husband, the petitioner made an application to the first respondent for getting legal heir certificate including the name of the petitioner and her daughter as well as the first wife and her children. However, the said plea made by the petitioner was rejected by the orders of the first respondent dated Nil. Challenging the said order of rejection, the present writ petition has been filed.

3.On perusal of the said rejection order, the Tahsildar/first respondent has stated that since the person has two wives, the plea of the petitioner was rejected.



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4.In this context, the learned counsel appearing for the petitioner would submit that, if at all the petitioner being the second wife may not be entitled to claim the status of legal heir of the deceased husband, at least the child born out of the wedlock between the petitioner and her husband can be included in the legal heir certificate i.e., the fifth respondent herein, who is the daughter of the deceased born out of the wedlock between the petitioner and her husband.

5.In this regard, Mr.R.Kumaravel, learned Additional Government Pleader appearing for the first respondent has submitted that, the Government through the Revenue and Disaster Management Department has issued a Government Order in G.O.(Ms).No.478, dated 29.09.2022, under which, certain mandatory guidelines have been issued, whereby, under clause (7) the legal heir certificate of the deceased in case of married person will be issued including who are all the legal heirs, like that, for unmarried person, legal heir certificate will be issued including who are the legal heirs have been specified. Based on these guidelines alone, the plea raised by the petitioner should be considered and accordingly, it would be disposed of.



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6.I have considered the said submission made by the learned counsel appearing for both sides and have perused the materials placed before this Court.

7.As has been rightly pointed out by the learned counsel appearing for the petitioner that, the petitioner being the second wife may not be entitled to get legal heir certificate in her name or including her name, but so far as the child is concerned, i.e., the fifth respondent, she is entitled to get inclusion in the legal heir certificate to be issued in the name of the deceased Ramar, who is the husband of the petitioner by including the first wife and the other children of the deceased. In this context, clause (7) of the Government Order referred to above, makes it very clear that, if he is a married person, the legal heir certificate would be issued including father, mother, spouse, sons and daughters of the deceased person. In the category of sons and daughters, all the sons and daughters of the deceased person have to be included as legal heir. Therefore, there could be no impediment for the first respondent to revisit the rejection order made by him, which is impugned herein and to pass a fresh order as per the G.O.(Ms).No.478, dated 29.09.2022.



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8.In that view of the matter, this Court is inclined to dispose of this

writ petition with the following orders:

- ◆ That there shall be a direction to the first respondent to revisit the order passed by him, rejecting the plea of the petitioner for grant of legal heir certificate in the light of G.O.(Ms).No.478 (Revenue and Disaster Management Department), dated 29.09.2022 and accordingly, pass orders on the plea of the petitioner to grant legal heir certificate, where, if not the petitioner name, the child of the petitioner can be included as one of the legal heir in the certificate to be issued in this regard, after having an enquiry with all the legal heirs of the deceased person.
- ◆ The needful as indicated above shall be undertaken by the first respondent within a period of six weeks from the date of receipt of a copy of this order.

9.With these directions, the Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Speaking/Non-speaking order
sp/drm

To
The Tahsildar,
Puliyur Taluk,
Egmore.



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R. SURESH KUMAR, J.

sp

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