



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.16255 of 2019

Parameswari

..Petitioner

Vs.

1.The Tahsildar,
Uthiramerur Taluk,
Kanchipuram District.

2.V.Uma

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus, calling for the records of the first respondent herein in O Mu.1189/2018/A4 dated 27.04.2018 and quash the same and direct the first respondent herein to issue legal heirship certificate of late Tamilarasan to the petitioner herein as per her application dated 08.01.2018.

For Petitioner : Mr.K.Gajendiran

For Respondents: Ms.V.Yamunadevi
Special Government Pleader
for R1
R2 - No Appearance

O R D E R

The petitioner challenges the order of the 1st respondent rejecting her claim for issuance of legal heirship certificate, certifying that she and her children are the legal heirs of the deceased Tamilarasan, who is said to have died on 19.10.2017. Even in her application for legal heirship certificate, the petitioner has claimed that she got married to Tamilarasan on 18.11.2013 and two children were born on 15.06.2015 and 11.03.2017.

2.It is seen from the impugned order that the said Tamilarasan had married one V.Uma on 08.02.2009 and had sued for divorce in H.M.O.P.No.94 of 2012. The marriage between the petitioner and the said Tamilarasan had admittedly taken place



during the pendency of the above HMOP.

3.It is also seen that the said HMOP came to be allowed granting divorce on 30.10.2017. The 1st wife V.Uma, who had been impleaded as the 2nd respondent has filed a counter claiming that the decree for divorce granted after the death of Tamilarasan is not valid.

4.From the above factual backdrop, it could be seen that the 2nd marriage said to have taken place during the subsistence of the 1st marriage and during the pendency of the HMOP, Tamilarasan had died even before the HMOP has disposed of. The question as to whether the decree granted in H.M.O.P.No.94 of 2012 on 30.10.2017 after the death of Tamilarasan could be said to be valid and whether the 2nd marriage, which took place during the subsistence of the 1st marriage said to be valid are all questions which cannot be conveniently decided in a Writ Petition filed under Article 226 of the Constitution of India.

5.Hence, this Writ Petition is dismissed. Leaving it open to the petitioner to initiate appropriate civil proceedings seeking declaration of her status. No costs.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

kkn

To-

1.The Tahsildar,
Uthiramerur Taluk,
Kanchipuram District.

+lcc to Mr.K.Gajendiran, Advocate, S.R.No.32490

+lcc to the Government Pleader, S.R.No.33587

W.P.No.16255 of 2019

BR(CO)
SB(29/06/2022)