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W.P. No.5740 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2022

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.5740 of 2016

and

M.P.Nos.5078 & 5079 of 2016

B.Dhanalakshmi

... Petitioner

Vs

1.The Thasildhar,
Office of Taluk Office,
Uthiramerur Taluk,
Uthiramerur, Kancheepuram District.

2.The District Collector,
Office of Collectorate,
Kancheepuram District,
Kancheepuram.

3.Saroja

4.B.Vinayagamoorthy

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the entire records in the respect impugned Legal heirs Certificate issued by the 1st respondent in Proc.No.Pa.Moo.2598/09(A1) dated 03.06.2009 to quash the same.



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For Petitioners : No Appearance

For Respondents : Mr.N.Naveen Kumar
Government Advocate
for R1 & R2

M/s.R.Poornima
for R3 &R4

ORDER

There is no representation on behalf of the petitioner.

2.The learned counsel for the third and fourth respondents submits that the petitioner has no *locus standi* as the petitioner is only a second wife of late Bala Subramani and that only the third respondent and her children and the mother of the deceased late Bala Subramani (the legal heirs of the deceased) are entitled for the benefit. It is submitted that Legal Heirship Certificate granted on 08.10.2002 incorporating the name of the petitioner and the third respondent was not valid in the eye of law. As the petitioner is not a legal wife of deceased late Bala Subramani, it is further submitted that on 03.06.2009 a correct Legal Heirship Certificate was issued by the Tahsildar/first respondent herein to the third respondent. It is further submitted that in the light of the above, the



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earlier Legal Heirship Certificate granted on 08.10.2002 incorporating the name of the petitioner and the third respondent as the legal heir of late Bala Subramani, as the second wife and the first wife respectively cannot be countenanced.

3.I have considered the arguments advanced by the learned Government Advocate for the first and second respondents and the learned counsel for the third and fourth respondents and also perused the affidavit filed in support of the writ petition.

4.Prima facie, it appears that the petitioner, the third respondent and late Bala Subramani are Hindus and therefore, the petitioner cannot be recognised as a legal heir in the eye of law. The Certificate issued by the first respondent on 08.10.2002 appears to be contrary to law. A Hindu cannot have two wives at the same time under the provisions of the Hindu Marriage Act, 1956. Therefore, the prayer of the petitioner, to cancel the Legal Heirship Certificate issued by the first respondent on 03.06.2009, cannot be countenanced. Thus, the writ petition filed by the petitioner is liable to be dismissed.



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5.This writ petition is dismissed with the above observations. No costs.

Consequently, connected miscellaneous petitions are closed.

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Index: Yes/ No

Internet : Yes/No

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To

1.The Thasildhar,
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Uthiramerur, Kancheepuram District.

2.The District Collector,
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C. SARAVANAN, J.

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