



WEB COPY



W.P.No.33584 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.33584 of 2014

N.Rani

..Petitioner

Vs.

1.The Tahsildar,
Taluk Office,
Tiruvannamalai Town.

2.Nanda @ Navaneetham

[R2 impleaded as per order dated 20.01.2015
in M.P.No.1 of 2014]

..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 respondent in Proceedings No.Na.Ka.A1/5594/2014 dated 28.03.2014 and to quash the same and further direct the respondent herein to issue the legal heir certificate to the petitioner and her children viz., Nirmala, Saravanan and Karthikeyan.

For Petitioner : Mrs.S.Radha Gopalan

For Respondents : Mr.Vadivelu Deenadayalan,

Additional Government Pleader for R1

Mr.K.Venkatasubban

for M/s.Sarvabhauman Associates for R2



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ORDER

The petitioner is aggrieved by the rejection of the request of grant of legal heirship certificate recognizing her as the legal heir of her husband Natarajan, who died on 24.02.2014.

2. The request of the petitioner has been rejected on the ground that Natarajan has got two wives therefore the legal heirship certificate cannot be issued.

3. Mrs.S.Radha Gopalan, learned counsel appearing for the petitioner would vehemently contend that the civil Court has found that the petitioner is the legally wedded wife and the objector viz., Nanda @ Navaneetham is not the legally wedded wife of the deceased Natarajan.

4. In view of the judgement of the Full Bench of this Court in ***P.Venkatachalam Vs. The Tahsildar, Kumarapalayam Taluk*** dated ***17.06.2022*** in ***W.P.No.25247 of 2021 etc., batch***, rejection or grant of legal heirship certificate does not affect the rights of a person to succeed to ones



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estate. It has been held that the legal heirship certificate issued by the Tahsildar is only an evidence of relationship and it will neither confer rights or take away subsisting rights.

5. In the case on hand, the petitioner has already been declared as a legally wedded wife of Natarajan by the civil Court. Therefore, the Authorities should act upon the production of the judgment of the civil Court and not insist upon the wasteful exercise of obtaining the legal heirship certificate.

6. Therefore, the writ petition is **closed** with an observation that the rejection of the claim for legal heirship certificate will not affect the rights of the petitioner which have been recognized by the civil Court and the Authorities shall act on the production of the judgment of the civil Court without insisting on the legal heirship certificate. No costs.

14.10.2022

dsa

Index : Yes/No

Internet : Yes/No

Speaking order/Non-Speaking order

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R.SUBRAMANIAN, J.

dsa

To

The Tahsildar,
Taluk Office,
Tiruvannamalai Town.

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