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W.P.No.29900 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.29900 of 2022
and W.M.P.No.29296 of 2022

1.D.Ramani
2.D.Nirmala

.... Petitioner

-Vs-

1.The District Collector
Chennai.

2.The District Revenue Officer
Zonal Officer, Greater Chennai
Corporation (Zone-10) No.117
NSK Salai, Kodambakkam
Chennai-24.

3.The Tahsildar
Aminjikarai Zone
Chennai-30.

4.The Greater Chennai Corporation
Represented by its Commissioner
Ripon Building, Chennai-03.

5.D.Thangam

6.D.Umarani

7.D.Shanthi

8.D.Divya

.... Respondents



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Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent pertaining to proceedings in Na.Ka.No.B2/975/2021 and consequently direct the respondent No.3 to issue legal heirship certificate for the deceased K.M.Dhruvan showing the 1st petitioner as his wife and the 2nd petitioner and 6th, 7th and 8th respondents herein as children.

For Petitioner : Mr.Richardson Wilson for
M/s.Wilson Associates

For Respondents : Mr.R.Kumaravel,
Additional Government Pleader – for R1-R3
Ms.P.T.Ramadevi
Standing Counsel – for R4

ORDER

The prayer sought for herein is for a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent pertaining to proceedings in Na.Ka.No.B2/975/2021 and consequently direct the respondent No.3 to issue legal heirship certificate for the deceased K.M.Dhruvan showing the 1st petitioner as his wife and the 2nd petitioner and 6th, 7th and 8th respondents herein as children.

2. One Dhruvan died on 17.05.2021. He had two wives, first wife D.Ramani and second wife D.Thangam. Both of them made separate



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applications for getting legal heir certificates. Those applications having been considered, were rejected through the impugned order dated 01.09.2021, wherein the respondent Tahsildar ie., the third respondent has stated that, since the deceased person had two wives, the parties have to approach the Civil Court and get a declaration and then only they will be eligible to get legal heir certificate. Citing this reason, the plea of the petitioner the second wife of the deceased husband of the petitioner since has been rejected through the impugned order, the present writ petition has been filed.

3. Heard Mr.Richardson Wilson, learned counsel for the petitioner who would submit that, assuming that the second wife may not be entitled to get the legal heir certificate, the petitioner had no objection to give legal heir certificate including the name of the children who were born out of the wedlock between the second wife and the deceased husband of the petitioner. When that being so, driving the parties to go to civil court was absolutely unwarranted and therefore by doing this, the third respondent has abdicated his duties to consider the application for legal heir certificate.

4. However, Mr.R.Kumaravel, learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that, for the reasons stated by the petitioner if at all the impugned order is to be interfered with, the matter



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can be remanded back to the third respondent with a direction to the petitioner to file an on-line application because, the Government has issued G.O.Ms.No.478, Revenue and Disaster Management Department dated 29.09.2022 under which certain mandatory guidelines have been issued, based on which on-line application would be permissible and if such an on-line application is submitted, that would be considered and accordingly orders would be passed on merits and in accordance with law.

5. I have considered the submissions made by the learned counsel on either side and have perused the materials placed on record.

6. As has been stated by the learned Additional Government Pleader, a new set of guidelines have come under the Government Order referred to above. Based on the said Government Order, application for getting legal heir certificate has to be made by the seekers only through on-line mode and therefore if such application is made, that would be considered by the third respondent. Insofar as the reason stated in the impugned order driving the parties to approach the civil court is unwarranted. Therefore, that reason cannot be sustainable.

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



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petition with the following order.

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- That the impugned order dated 01.09.2021 is set aside.
- As a sequel, the petitioners are directed to make an on-line application to the third respondent within a period of two weeks from the date of receipt of a copy of this order along with necessary documents or annexures in support of the claim made by the petitioners.
- Once such application is made, the same shall be considered by the third respondent under the mandatory guidelines issued by the Government in G.O.Ms.No.478, Revenue and Disaster Management Department dated 29.09.2022 and pass orders thereon, after giving an opportunity of being heard to the petitioners as well as the second wife of the deceased husband of the petitioner, on merits and in accordance with law, within a period of four weeks thereafter.

8. With the above directions, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

14.11.2022

Index : Yes/No
Internet : Yes/No
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R. SURESH KUMAR, J.

KST

To

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