



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.291 of 2022

M.Kausalya

... Petitioner

vs.

1.The District Collector,
Collector Office, Dindigul.

2.The Thasildar,
Dindigul West,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to include the name of the petitioner in the legal heir certificate of deceased Muniappan.

For Petitioner : Mr.A.Raja

For Respondents : Mr.D.Ghandiraj
Special Government Pleader

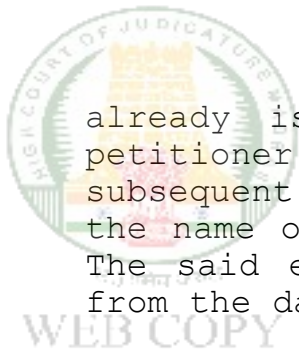
O R D E R

Mr.D.Ghandiraj, learned Special Government Pleader, takes notice on behalf of both the respondents.

2.The petitioner claims status as the legally wedded wife of late Muniappan who died on 05.09.2012. Prior to the marriage by the petitioner with Muniappan which was on 09.02.1992, the said Muniappan had married the elder sister of the petitioner, Tamilarasi. She died on 13.08.1991. The dates reflects that the petitioner had married Muniappan after the death of his first wife. Naturally, a presumption can be drawn that the said marriage by the petitioner with Muniappan is lawful and has to be recognized by the authority. However, in the legal heirship certificate of Muniappan, the name of Tamilarasi describing her as the first wife had been given. The names of other sons and daughters had been given. It is imperative that the name of the petitioner is also included.

3.The learned counsel also states that Muniappan had also recognized her status and had included her name in the service records.

4.Let the matter be remitted back to the second respondent/Thasildar, Dindigul West, Dindigul District and a direction is issued to him to issue notice to the petitioner, enquire with the named children in the legal heirship certificate



already issued and determine the date of the marriage of the petitioner with Muniappan and as has been observed, if it is subsequent to the death of the first wife, examine consideration of the name of the petitioner as one of the legal heirs of Muniappan. The said exercise must be completed within a period of six weeks from the date of receipt of a copy of this order.

5. With the above observations, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

sjj

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector,
Collector Office, Dindigul.

2. The Thasildar,
Dindigul West,
Dindigul District.

+1 CC to M/s.SPL.GP (SR-1021[F] dated 10/01/2022)

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RD(25.01.2022) 2P 4C