



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.1562 of 2022

B.Seetha

... Petitioner

vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Tahsildar,
Taluk Office,
Vilathikulam,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records, pertaining to the impugned order in Na.Ka.No.A2/8397/2017, dated 23.11.2017 passed by the second respondent and quash the same as illegal and to direct the second respondent to issue legal heir certificate to the petitioner by including her name, 1.Seetha (widow), their two children names, 2.Seenivasan and 3.Murali @ Shesan as the legal heirs of her deceased husband, late V.Balakrishnan S/o. Venkatachalam Iyengar.

For Petitioner : Mr.M.Solaisamy

For Respondents : Mr.N.Satheeshkumar

Additional Government Pleader

ORDER

The present writ petition has been filed in the nature of Writ of Certiorarified Mandamus, questioning the order dated 23.11.2017 in Na.Ka.No.A2/8397/2017 passed by the second respondent/Tahsildar, Taluk Office, Vilathikulam, Thoothukudi District, by which order, the second respondent had declined to grant legal heirship certificate to the petitioner herein. The petitioner seeks legal heirship certificate of her deceased husband, Balakrishnan. The said Balakrishnan had originally married one Renganayaki. There were two children, namely, Seenivasan and Murali @ Shesan. Thereafter, Renganayaki died on 21.04.1972. He then married the petitioner on 14.09.1980. There were no issues. But however, now the petitioner seeks legal heirship certificate to be issued in her name/lawfully wedded wife and in the names of the two sons born through the first wife, namely, Seenivasan and Murali @ Shesan.

2.It is also pointed out by Mr.N.Satheeshkumar, learned Additional Government Pleader for the respondents that the said Balakrishnan was working in the Education Department and in his



service register, he had recognized the petitioner's status as the legally wedded wife.

3.In view of that particular fact, the order dated 23.11.2017 is set aside and the matter is remitted back to the second respondent/Tahsildar to make further enquiries and particularly examine the date of death of the first wife and the date of marriage of the petitioner herein and proceed to act in manner known to law. For all purposes, the petitioner is the lawfully wedded wife of Balakrishnan at the time of his death.

4.A direction is given to do the needful within a period of twelve weeks from the date of receipt of a copy of this order.

5.The Writ Petition is allowed accordingly. 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,
Thoothukudi District,
Thoothukudi.

2.The Tahsildar,
Taluk Office,
Vilathikulam,
Thoothukudi District.

+1 CC to M/s.M.SOLAISAMY, Advocate (SR-3272[F] dated 01/02/2022)

+1 CC to M/s.SPL.GP (SR-3117[F] dated 31/01/2022)

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