



W.P(MD)No.1692 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1692 of 2022

T.Nagarathinam

... Petitioner

Vs.

The Tahsildar,
Uthamapalayam Taluk,
Theni District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for records pertaining to the impugned order passed by the respondent dated 29.09.2021 in O.Mu. 4962/21/A11 and quash the same and consequently direct the respondent to issue legal heirship certificate to the petitioner based on the application of the petitioner dated 29.09.2021.

For Petitioner : Mr.J.Anandkumar

For Respondent : Mr.K.Balasubramani,
Spl. Government Pleader.



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ORDER

Heard the learned counsel on either side.

2.One C.Thirupathi married one Kausthiribai. The said Kausthiribai passed away on 25.04.2013. Thereafter, the said Thirupathi married to the petitioner on 06.12.2013. Thirupathi passed away on 14.06.2021. The petitioner applied to the respondent for issuance of legal heir certificate. The respondent declined to issue the certificate as sought for on the ground that the deceased had married twice. This approach of the respondent is clearly not correct. The deceased married the petitioner only after the demise of the first wife.

3.In this view of the matter, the impugned memorandum is set aside and the writ petition is allowed. The respondent is directed to issue legal heir certificate to the petitioner as sought for. No costs.

29.07.2022

Index : Yes / No
Internet : Yes/ No
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To:

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