



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.2532 of 2022

Mr.G.Rajeshwaren

... Petitioner

Vs.

1.The Tahsildar,
Dindigul East Taluk,
Dindigul East Tahsildar Office,
Dindigul District.

2.The Revenue Inspector,
Sanarpatti Circle,
Dindigul East Taluk,
Dindigul District.

3.The Village Administrative Officer,
Koovanoothu Village,
Dindigul East Taluk,
Dindigul 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 passed by the 1st respondent herein in his proceedings in O.Mu.No.342/2022/A1 dated 27.01.2022 and quash the same as illegal and direct the 1st respondent to issue legal heir ship certificate of Late Gurumoorthy by including the name of the petitioner's Step Mother as a wife of Late Gurumoorthy on the basis of the petitioner's application dated 16.11.2021 within a time frame as stipulated by this Court.

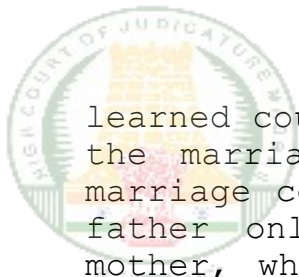
For Petitioner : Mr.Sarvagan Prabhu

For Respondents : Mr.S.Jeyapriya
Government Advocate

O R D E R

This writ petition has been filed challenging the order dated 27.01.2022 passed by the first respondent, under which, the petitioner was directed to approach the Civil Court for getting legal heir certificate for his deceased father Gurumoorthy.

2.The learned counsel for the petitioner drew the attention of this Court to the death certificate of Saraswathy, who is his mother and as seen from the death certificate, she died on 02.09.1999. The



learned counsel also drew the attention of this Court to the copy of the marriage certificate, dated 09.07.2001 and as seen from the marriage certificate, one Rengammal was married to the petitioner's father only on 09.07.2001, after the death of the petitioner's mother, who is the first wife on 02.09.1999. Therefore, it can be presumed that the said Rengammal is a legally wedded wife of the petitioner's father Gurumoorthy.

3.The learned counsel for the petitioner would also submit that all the documents in support of this Writ petition were also produced by the petitioner to the first respondent, but despite the same, by total non-application of mind, the impugned order dated 27.01.2022 has been passed, directing the petitioner to approach the Civil Court, as according to the first respondent, the petitioner's father was having two wives.

4.As seen from the aforementioned documents, on a prima facie consideration, it is noticed that the petitioner's father has legally married the said Rengammal only after the death of his first wife viz., Saraswathi on 02.09.1999 and therefore, the contention of the first respondent that the petitioner's father was having two wives is incorrect. Therefore, the impugned order has been passed in total non-application of mind to the documents produced by the petitioner, which on a prima facie consideration reveals that the petitioner's father has legally married the said Rengammal only after the death of the first wife on 02.09.1999. Hence, the impugned order dated 27.01.2022 passed by the first respondent is hereby set aside and the matter is remanded back to the first respondent for fresh consideration, with regard to the issuance of legal heir certificate for the petitioner's father late Gurumoorthy, who died on 26.10.2021 and the first respondent shall pass orders on the petitioner's application seeking for issuance of legal heir certificate within a period of twelve weeks from the date of receipt of a copy of this order, after affording a fair hearing to the petitioner as well other necessary parties, if any.

5.With the aforesaid directions, this writ Petition is disposed of. No costs.

Sd/-

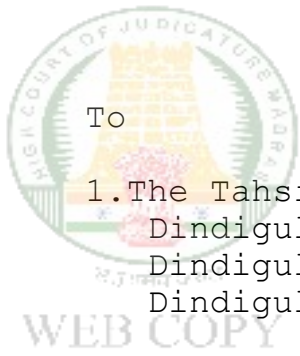
Assistant Registrar (Records)

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/ /2022

Sub Assistant Registrar(CS)

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To

1.The Tahsildar,
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Dindigul East Tahsildar Office,
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2.The Revenue Inspector,
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3.The Village Administrative Officer,
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+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-4885[F] dated
08/02/2022)

+1 CC to M/s.SPL.GP (SR-4993[F] dated 09/02/2022)

W.P.[MD]No.2532 of 2022
08.02.2022

RD(21.02.2022) 3P 6C