



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD) .No.2890 of 2022

Sathiskumar

.. Petitioner

Vs.

1.The District Collector,
Collector Office,
Thanjavur District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Thanjavur District.

3.The Tahsildar,
Tahsildar Office,
Orathanadu Taluk,
Thanjavur District.

4.Mrs.Vasantha

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents to remove the 4th respondent name as a second wife in the legal heir certificate of the petitioner's deceased father namely Chinnayan based on the petitioner's representation on 04.02.2022, within stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Senthil Kumar

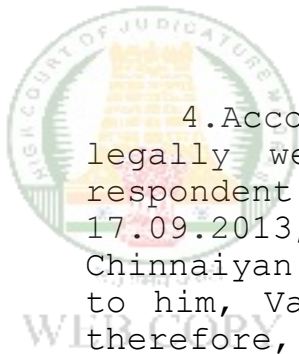
For Respondents : Mr.M.Lingadurai for R1 to R3
Special Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for direction to the third respondent to consider the petitioner's representation dated 04.02.2022, seeking for removal of the name of the fourth respondent as one of the legal heirs of the deceased Chinnaiyan.

2.Heard Mr.R.Senthil Kumar, learned counsel for the petitioner and Mr.M.Lingadurai, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 3.

3.By consent of both parties, this writ petition is taken up for final hearing at the admission stage itself.



4. According to the petitioner, his mother Nanambal is the legally wedded wife of his father Chinnaian. But the third respondent has issued the Legal Heirship Certificate dated 17.09.2013, including the name of one Vasantha, the second wife of Chinnaian as one of the legal heirs, which is illegal. According to him, Vasantha is not the legally wedded wife of Chinnaian and therefore, she ought not to have been included as one of the legal heirs of Chinnaian. The petitioner has given a representation to the respondents on 04.02.2022, seeking for removal of the name of 4th respondent Vasantha from the list of legal heirs for the deceased Chinnaian. Since his representation has not been considered till date, this writ petition has been filed.

5. The petitioner is the son of the deceased Chinnaian. According to him, under the Legal Heirship Certificate dated 17.09.2013, illegally the 4th respondent claiming to be the second wife of Chinnaian, has been included as one of the legal heirs. In such circumstances, he has given a representation on 04.02.2022 seeking for removal of the name of the 4th respondent as one of the legal heirs of late Chinnaian, who is his father.

6. No prejudice will be caused to the respondents, if the representation of the petitioner is considered on merits, after affording a fair hearing to the petitioner and other legal heirs of the deceased Chinnaian and also to the 4th respondent, who claims to be the second wife of the deceased Chinnaian.

7. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation dated 04.02.2022, seeking for removal of Mrs. Vasantha, the 4th respondent herein as one of the legal heirs of the deceased Chinnaian from the Legal Heirship Certificate dated 17.09.2013 and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and other legal heirs of the deceased Chinnaian and also by affording a fair hearing to the 4th respondent, who claims to be the second wife of the deceased Chinnaian, within a period of three months from the date of receipt of a copy of this order.

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

Sd/-

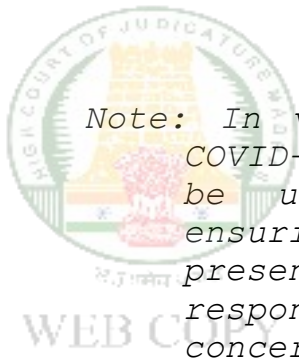
Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar (CS)

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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,
Thanjavur District.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Thanjavur District.
- 3.The Tahsildar,
Tahsildar Office,
Orathanadu Taluk,
Thanjavur District.

**W.P (MD) .No.2890 of 2022
14.02.2022**

SAR (CO)
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