



W.P.(MD)No.8613 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 28.10.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.8613 of 2022

and

W.M.P.(MD)No.6339 of 2022

Manimaran, S/o.Late. Veeranan

.. Petitioner

Versus

The Tahsildar,
Madurai East Taluk,
Y.Othakadai,
Madurai District.

.. Respondent

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the respondent, dated 23.04.2022, quash the same and consequently, direct the respondent to issue legal heirship certificate to the petitioner.

For Petitioner : Mr.J.Anandkumar

For Respondent : Mr.D.Gandhiraj
Special Government Pleader

ORDER

The petitioner has prayed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order of the respondent, dated 23.04.2022,



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and consequently, direct the respondent to issue legal heirship certificate to him.

2. According to the petitioner, his father namely, Veeranan married one Andammal. Due to the said wedlock, they were blessed with two children. The said Andammal died in the year 1960. After the demise of the said Andammal, the petitioner's father married one Karuppayee, who is the mother of the petitioner. Due to the said wedlock, three children were born. The said marriage is legally valid, since the same was done only after the demise of the first wife namely, Andammal. Subsequently, his father died on 08.05.1988. After his demise, the son of the first wife namely, Ramu died on 14.09.2007 and thereafter, the petitioner's mother namely, Karuppayee died in the year 2020. Therefore, the petitioner applied for legal heirship certificate to the respondent through his application, dated 12.04.2022. Thereafter, on 23.04.2022, the respondent rejected the said application for grant of legal heirship certificate on the ground that the petitioner's father had two wives. Challenging the same, the petitioner has come before this Court for the relief stated supra.

3. From the averments made in the affidavit filed in support of the writ petition, it is seen that the petitioner's father had two wives and both the wives



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had children and the petitioner has applied for legal heirship certificate through online on 12.04.2022 and the same was rejected on the ground that the petitioner's father had two wives and therefore, he was directed to approach the competent Civil Court.

4. According to the petitioner, he has enclosed all the necessary documents, which were also not accepted by the Village Administrative Officer and the petitioner's application was rejected. When a deceased person had two wives, it is the duty of the legal heirs to produce the death certificate of the first wife and other documents such as, Genealogy Tree of the deceased person. The petitioner has not produced any such documents in support of his claim. Therefore, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

5. The petitioner is at liberty to produce all the documents to prove his claim that he born through the second wife and he is the step brother of the first wife's children. The petitioner submitted that all the legal heirs will jointly apply together for legal heirship certificate along with appropriate documents. On receipt of such documents, the respondent shall consider the same and pass appropriate orders in accordance with law.

Index : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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Order made in
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and
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