



W.P.(MD)No.12776 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.12776 of 2022

and

W.M.P.(MD)No.9066 of 2022

Dhana Lakshmi

... Petitioner

Vs.

1. The Tahsildar,
Tirunelveli Taluk,
Tirunelveli District.

2. The Revenue Inspector - Tirunelveli,
Tirunelveli Taluk,
Tirunelveli District.

3. The Village Administrative Officer,
Kandiyaperi Part-I, Palayapettai,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the entire records pertaining to the impugned rejection order dated 10.06.2022 issued by the first respondent with regard to the issuance of the legal heir certificate to her deceased husband by name R.Santhana Mariappan and



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quash the same and consequently direct the first respondent to issue such certificate based on the petitioner's application uploaded vide Application No.TN-16202112241069 dated 16.05.2022.

For Petitioner : Mr.R.Anand

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard the learned counsel on either sides.

2. The petitioner got married to one Santhana Mariappan on 09.09.2002. A girl child was also born. The marital relationship between Santhana Mariappan and the petitioner came under strain. They probably separated. Be that as it may, the petitioner's husband passed away on 30.10.2021. The petitioner approached the first respondent for legal Heir Certificate. The first respondent denied the petitioner's request on the ground that in the family ration card of the petitioner, her husband's name was not shown and that Santhana Mariappan had already filed a Divorce Petition before the Jurisdictional Court.



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3. I am more than satisfied that both the reasons set out in the impugned order of rejection are unsustainable. The fact remains that H.M.O.P.No.106 of 2004 filed by the petitioner's husband before I Additional Subordinate Court, Tirunelveli was dismissed on merits. The resultant position is that the petitioner continues to enjoy the status of the wife of Santhana Mariappan. Merely because Santhana Mariappan name did not figure in the family ration card of the petitioner, she did not cease to be his wife.

4. Looked at from any angle, the impugned order of rejection is unsustainable. It is quashed. The first respondent is directed to issue Legal Heir Certificate forthwith. The petitioner as well as her daughter Sathya Jothi shall be shown as the legal heirs of the deceased Santhana Mariappan. Of course the name of mother of the deceased, i.e., Saraswathi shall also be included in the Legal Heir Certificate.



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5. Accordingly, this Writ Petition is allowed. No costs.

Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No

Speaking Order : Yes / No

vji

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G.R.SWAMINATHAN, J.

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