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W.P.(MD)NO.13331 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13331 of 2022

Mahalakshmi

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Pudukkottai,
Pudukkottai District.

2. The Thasildar,
Pudukkottai Taluk,
Pudukkottai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order in Ni.Mu.No.5768/2021/A6, dated 13.04.2022, passed by the 1st respondent and quash the same consequently direct the 1st respondent to issue legal heirs certificate to the petitioner and her minor daughter based on the petitioner's representation dated 20.05.2021.

For Petitioner : Mr.D. Rameshkumar

For Respondents: Mr.N.Ramesh Arumugam,
Government Advocate.

* * *

**ORDER**

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Heard the learned counsel on either side.

2. One Baskaran got married to Jeyanthi. Through the said wedlock, four child were born. On 03.10.2007 the said Jeyanthi passed away. On 02.11.2008 the petitioner got married to the said Baskaran. Through the said marriage, three children were born. Baskaran passed away on 20.11.2020. The children born through the first wife applied for issuance of legal heirship certificate. The jurisdictional Tahsildar issued legal heirship certificate on 12.12.2020 but left out the writ petitioner's name and one of her children. Aggrieved by the same, the petitioner filed an appeal before the first respondent. The first respondent took the view that since the petitioner is happened to be Baskaran's second wife, he cannot comply with the request. Challenging the same, this writ petition has been filed.

3. There is no dispute that Baskaran married the petitioner only after the demise of Jeyanthi. That is why when the jurisdictional Tahsildar issued legal heirship certificate in



the first instance, two of the children born to the writ petitioner were also included. The only grievance of the writ petitioner was regarding omission of her name and that of one of her children. The approach of the first respondent is thoroughly misconceived. Baskaran did not enter into a bigamous marriage. The petitioner was a legally wedded wife because her marriage did not take place during the subsistence of Baskaran married Jeyanthi but only after the demise of Jeyanthi.

4. In this view of the matter, the order impugned in this writ petition stands set aside. The second respondent is directed to issue fresh legal heirship certificate which would include not only the names originally set out in the legal heirship certificate dated 12.12.2020 but also the name of the writ petitioner and that of her daughter Jagadhambal. This writ petition stands allowed. No costs.

03.08.2022

Index : Yes / No
Internet : Yes/ No

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G.R.SWAMINATHAN,J.

PMU

To:

1. The Revenue Divisional Officer,
Pudukkottai,
Pudukkottai District.
2. The Thasildar,
Pudukkottai Taluk,
Pudukkottai District.

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