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W.P.(MD)NO.13731 OF 2022

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 18.07.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P.(MD)No.13731 of 2022**

S. Sugirthakala

... Petitioner

Vs.

1. The District Collector,  
Tirunelveli District.  
Tirunelveli.

2. The Tahsildar,  
Ambasamudram Taluk,  
Ambasamudram,  
Tirunelveli District.

... Respondents

**Prayer:** Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2<sup>nd</sup> respondent in the petitioner's application dated 14.04.2022 bearing No. TN-720220414578 and quash the same as unconstitutional and consequently directing the 2<sup>nd</sup> respondent to issue legal heir certificates of her husband as claimed in her application dated 14.04.2022.

For Petitioner : Mr.P. Subbiah

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

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## **ORDER**

Heard the learned counsel on either side.

2. One K.S.Sivasamynathan, S/o. K.Sivananaindhaperumal passed away on 08.04.2022. The petitioner applied for issuance of legal heir certificate. The case of the petitioner is that she got married to him on 03.11.2023 and that two daughters and one son were born through the wedlock. But the request was rejected on the ground that the deceased person had two wives. Challenging the rejection order, the present writ petition came to be filed.

3. When the matter was taken up for hearing, the learned Government Advocate produced a copy of the communication issued by the second respondent in which it is stated that the deceased person appeared to have had four wives.

4. As rightly contended by the learned counsel appearing for the writ petitioner, the second respondent could



not have mechanically rejected the petitioner's request. He ought to have held some kind of enquiry. While the second respondent cannot assume the right of the adjudicating authority, he must relegate the parties to the civil Court, only if the rival claimants produce some credible materials. However, it is obvious from the materials furnished by the other three persons that they got married Late.Sivasamynathan subsequently. Obviously, the petitioner's case cannot be rejected. In any event, an order can be passed only after the jurisdictional Tahsildar goes into the issue. In this case, without taking conducting any enquiry summarily, the petitioner's request has been rejected.

5. In this view of the matter, the impugned order is quashed. The matter is relegated to the file of the second respondent. The second respondent will issue notice to all the claimants and hear them and thereafter pass final order. The entire exercise will have to be concluded within a period of twelve weeks from the date of receipt of a copy of this order.



**6.** This writ petition stands allowed with the aforesaid direction. I make it clear that I have not gone into the merits of the matter. No costs.

**18.07.2022**

Index : Yes / No  
Internet : Yes/ No

PMU

**To:**

1. The District Collector,  
Tirunelveli District.  
Tirunelveli.
2. The Tahsildhar,  
Ambasamudram Taluk,  
Ambasamudram,  
Tirunelveli District.



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**G.R.SWAMINATHAN,J.**

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