



W.P.(MD)No.14396 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.14396 of 2022

and

W.M.P(MD)Nos.10286 & 10287 of 2022

- 1.T.Ilangovan
- 2.T.Ravichandran
- 3.T.Mari
- 4.T.Santhosam
- 5.A.T.Muthu Ganesan
- 6.Muruganantha Valli
- 7.T.Athinarayanan
- 8.T.Sivarajan
- 9.T.Packiyaraj
- 10.T.Ilavarasi
- 11.Manimegalai
- 12.T.Kamalakannan

... Petitioners

Vs

- 1.The District Collector,
Office of the Collectorate,
Sivagangai District.
- 2.The Tahsildar,
Tiruppuvanam Taluk,
Sivagangai Distirct.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the second respondent, dated 21.06.2022 in his proceedings O.Mu.A2/1817/2022 and quash the same and to direct the second respondent to issue Legal heirs certificate as per the application submitted dated 14.06.2022.

For Petitioners : Mr.K.MD.Sirajudeen
for Mr.Vadivelu

For Respondents : Mr.G.Sivaraja
Government Advocate

ORDER

Heard the learned counsel on either side.

2. The case on hand relates to issuance of Legal Heir Certificate for the late Thandeeshwaran Servai. He married one Sivapackiyam in the year 1957. Through the wedlock as many as five children were born. Sivapackiyam died in the year 1970. Thereafter, Thandeeshwaran Servai married Murugananthavalli as second wife in the year 1971. Through the second wife, he begot four children. Even when the marriage with Murugananthavalli was subsisting, he married Manimegalai in the year 1977. Through the third wife one he begot only one child. The second wife as well as the third wife are still



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alive. Thandeeshwaran Servai passed away on 27.05.2022. When an application was submitted seeking Legal Heir Certificate, the jurisdictional Tahsildar took the stand that since the deceased was blessed with three wives, the applicants will have to necessarily move the jurisdictional civil Court. This memorandum dated 21.06.2022 is put to challenge in the writ petition.

3. Not only the two wives of the late Thandeeshwaran Servai but also all the children joined together and filed this writ petition. Since Muruganandhavalli got married to Thandeeshwaran Servai only after the demise of his first wife / Sivapackiyam, her marriage is valid and legal. However, the marriage of Manimegalai took place during the subsistence of the marriage of Thandeeshwaran Servai with Murugananthavalli. Therefore, Manimegalai cannot be recognised as a legal heir of Thandeeshwaran Servai. However, her son / Kamalakannan born to her is very much a legal heir. In this view of the matter the impugned memorandum is set aside and the second respondent / Tahsildar, Tiruppuvanam Taluk, Sivagangai Distirct is directed to issue Legal Heir Certificate certifying Murugananthavalli and the children born through her as well as the third wife as legal heirs. In other words, Manimegalai / third wife alone will not be recognised as a legal heir.



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4. This writ petition is allowed on these terms. Consequently, connected miscellaneous petitions are closed. No costs.

03.08.2022

Index : Yes / No
Internet : Yes/ No
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To

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Office of the Collectorate,
Sivagangai District.

2.The Tahsildar,
Tiruppuvanam Taluk,
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