



W.P.(MD)No.15708 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 17.10.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.15708 of 2022

Mookammal, W/o.Adakkan

.. Petitioner

Versus

The Tahsildar,
Thiruvadanai Taluk Office,
Ramanathapuram 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 pertaining to the impugned proceedings issued by the respondent in Na.Ka.A3/1914/2022, dated 11.05.2022, quash the same and consequently, direct the respondent to re-issue the legal heirship certificate in favour of the petitioner, by including the name of Subbulakshmi, first wife, within the time limit to be stipulated by this Court.

For Petitioner : Mr.V.Malaiyendran

For Respondent : Mr.C.Satheesh
Government Advocate

ORDER

The petitioner has prayed for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings



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issued by the respondent in Na.Ka.A3/1914/2022, dated 11.05.2022, quash the same and consequently, direct the respondent to re-issue the legal heirship certificate in favour of the petitioner, by including the name of Subbulakshmi, first wife, within the time limit to be stipulated by this Court.

2.According to the petitioner, she married one Adakkan, S/o.Periyayya. Her husband already married one Subbulakshmi, who is her sister and due to said wedlock, they were blessed with one daughter namely, Thondeswari. Her sister died on 11.03.2011. Subsequently, the said Adakkan married the petitioner and due to the wedlock, they were blessed with two daughters, namely, Sakunthala and Priya. Her husband was working as a Sweeper at Thondi Town Panchayat Office, Thondi, and he died on 01.06.2010 while he was in service. Thereafter, the petitioner applied for issuance of legal heirship certificate by paying necessary charges so as to get the retirement benefits from the Town Panchayat Office at Thondi. On receipt of such representation, the respondent issued the legal heirship certificate, stating that the petitioner herein, one Thondeswari, who was born through the first wife Subbulakshmi, and Sakunthala and Priya, who were born through the petitioner as legal heirs of the deceased Adakkan, without mentioning the name of the petitioner's sister namely, Subbulakshmi as a legal heir. In the said circumstances, the petitioner approached the respondent for re-issuance of legal heirship



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certificate, including the name of the said Subbulakshmi. The respondent rejected the petitioner's request, directing her to approach the competent civil court. In the absence of inclusion of the name of the said Subbulakshmi, the petitioner is not able to get the monetary benefits from the Town Panchayat, Thondi. Hence, the petitioner has approached this Court by way of filing the present Writ Petition.

3.The learned Government Advocate appearing for the respondent, on instructions, submitted that the said Subbulakshmi is the first wife of Adakkan and he married the petitioner when the first wife is alive and subsequently, on 01.06.2010 he died and on 11.03.2011, the said Subbulakshmi died. The petitioner has submitted an application on 20.04.2022 after 11 years from the date of issuance of the earlier legal heirship certificate. As per Circular No. 11/2017 of the Principal Secretary/Commissioner of Revenue Administration, Chennai, dated 09.08.2017, a legal heirship certificate of a deceased person, who was having more than one wife/husband, can be obtained only from the competent civil court and therefore, the respondent, vide his proceedings, dated 11.05.2022, advised the petitioner to approach the competent civil court for redressing her grievance.



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4. Recording the above said submission made by the learned Government Advocate appearing for the respondent, this Writ Petition is disposed of. No costs. It is left open to the petitioner to redress her grievance before the competent civil court.

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To

The Tahsildar,
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V.BHAVANI SUBBAROYAN, J.

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