

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2022

CORAM

**THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN**

Writ Petition (MD) No.16711 of 2022

and

W.M.P.(MD)No.13996 of 2022

Krishnan, S/o.Iyyappa Naidu

.. Petitioner

Versus

1.The Revenue Divisional Officer,  
Madurai East,  
Madurai District.

2.The Tahsildar,  
Madurai East Taluk,  
Madurai District.

3.The Village Administrative Officer,  
Kodikulam 2<sup>nd</sup> Pit (Puthuthamaraipatti),  
Madurai East Taluk,  
Madurai District.

.. Respondents

**Prayer :-** Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the second respondent to issue legal heirship certificate to the petitioner, based on his online application, dated 20.06.2022.

For Petitioner : Mr.V.M.Jegadeesha Pandian

For Respondents : Mr.A.Kannan  
Additional Government Pleader

For Impleading Petitioner: Mr.A.John Vincent

**ORDER**

The petitioner has filed this Writ Petition seeking a direction to the second respondent to issue legal heirship certificate to the petitioner, based on his online application, dated 20.06.2022.

2.The case of the petitioner is that he is residing in Krishna Kondaman Street, Kodikulam, Puthuthamaraipatti, Madurai District, along with his wife and doing cattle business. His wife namely, Jeya got married to him 35 years back. Since they did not have any issue, he married one Chandra and through her, he is having three children.

3.The learned counsel for the petitioner submits that the petitioner's wife Jeya was working as Kitchen Helper at Adyar Anandha Bhavan Hotel (A2B) at Madurai - Trichy Highway, near Chittampatti Toll Gate, for the past four years and she died on 30.03.2022. Her employer made statutory deductions, including provident fund contribution from her salary. The employer informed the petitioner that the provident fund amount of his wife has to be handed over to him since the petitioner's name has been shown as nominee, for receiving the fund. Therefore, the petitioner's wife's employer sought legal heirship certificate to disburse the provident fund amount and for other purposes. Hence, the petitioner applied for legal heirship certificate before the second

respondent through online along with relevant documents and paid necessary charges for the same on 20.06.2022. However, the second respondent has not taken any action. Hence, the present Writ Petition.

4. At this juncture, one Vairamani, who is alleged to be a sister of the deceased Jeya, filed an impleading application in W.M.P.(MD)No.13996 of 2022 stating that her sister Jeya was married to one Pandi, her maternal uncle's son in the year 1988. After an year, they got separated and thereafter, she lived along with her mother Petchi. While living separately, the said Jeya took care of the impleading petitioner's elder daughter, namely, Kaleeswari and her sister's husband Pandi died in the year 1998 and her mother Petchi died in the year 2000 and thereafter, Jeya was living separately. The petitioner, who already got married and having wife and three daughters, developed relationship with her sister Jeya and the petitioner never divorced his wife and nor he got married his sister Jeya. While her sister Jeya was admitted at Apollo Hospital on 29.03.2022, for cardiac treatment, she was accompanied by the petitioner, claiming that he is her husband. She died on the next day *i.e.*, on 30.03.2022 and the last rites of her sister was taken care of by the impleading petitioner's husband and relatives and therefore, the petitioner is not entitled for legal heirship certificate.

5.This Court considered the rival submissions and perused the materials available on record.

6.In the death certificate produced by the impleading petitioner, it is seen that the petitioner's name has been mentioned as husband of the said Jeya. Further, the impleading petitioner has also produced the cremation receipt, dated 30.03.2022, issued by the Madurai Municipal Corporation, in which, the petitioner's name has been mentioned as husband of the said Jeya. In the family card, which was issued to the said Jeya, produced by the petitioner, the petitioner's name has been mentioned as 'husband'.

7.Considering the above said materials produced by both parties, this Court is of the view that there is a rival claim by one Vairamani, who is the sister of the said Jeya, claiming that the petitioner is not the lawful husband of her sister Jeya. The dispute pertains to claim of money of the deceased Jeya from her employer. Since disputed question of facts are involved in this matter, the parties have to work out their remedy before the competent civil Court and hence, this Court is not inclined to entertain the impleading petition as well as the Writ Petition.

8. Accordingly, W.M.P.(MD)No.13996 of 2022 and W.P.(MD)No.16711 of 2022 are dismissed with liberty to the parties concerned to approach the competent civil Court to get a decree regarding the status of legal heir/successor to the deceased Jeya. No costs.

07.09.2022

Index : Yes/No  
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**V.BHAVANI SUBBAROYAN, J.**

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Order made in  
W.P.(MD)No.16711 of 2022

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