



W.P(MD)No.18919 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18919 of 2022

and

W.M.P.(MD)No.13808 of 2022

A.Byroja

... Petitioner

Vs.

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The District Revenue Officer,
Tenkasi District,
Tenkasi.

3.The Revenue Divisional Officer,
Tenkasi,
Tenkasi District.

4.The Tahsildar,
Kadayanallur Taluk,
Tenkasi District,
Tenkasi.

5.The Village Administrative Officer,
Puliyangudi Village,
Kadayanallur Taluk,
Tenkasi District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 4th respondent with reference to transaction No. TNCIT00005655373 and quash the same and to issue direction for issuance of legal heir certificate of petitioner's husband (Late) Anifa on the basis of petitioner's representation dated 17.06.2022.

For Petitioner : Mr.M.Sheik Abdullah

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The petitioner's husband passed away. The petitioner applied to the fourth respondent for issuance of legal heir certificate. Citing the fact that her husband was twice married, the petitioner's request was rejected. It is seen that the petitioner got married only after the demise of the first wife of her husband. Therefore, the fact that Anifa was twice married cannot be put against the petitioner. The petitioner also states that she resided with her husband only at Kadayanallur. The family card also mentions only Kadayanallur address. Only for livelihood purpose, she had gone to Kovilpatti. Therefore, the fourth respondent ought to hold a fresh enquiry. After satisfying himself issue proper



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legal heir certificate setting out all the legal heirs of Late.Anifa. The petitioner has fairly disclosed that through the first wife also her husband begot children.

3.In this view of the matter, the order impugned in the writ petition is quashed and the writ petition is allowed. The matter is remitted to the file of the fourth respondent to hold an enquiry and pass order afresh on merits and in accordance with law. This exercise should be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

22.08.2022

Index : Yes / No
Internet : Yes/ No
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To:-

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Tenkasi District,
Tenkasi.
- 3.The Revenue Divisional Officer,
Tenkasi,
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4.The Tahsildar,
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5.The Village Administrative Officer,
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