

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**DATED: 23.08.2022****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P.(MD)No.19204 of 2022**

M.Vinoth

... Petitioner

Vs.

The Tahsildar,
Eral Taluk,
Thoothukudi District.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the respondent in his proceedings in O.Mu.A1/6/2021 dated 27.07.2022 quash the same and consequently directing the respondent to issue legal heirship certificate on the death of the petitioner's father, namely Murugan died on 19.01.2022 him within the time limit stipulated by this Court.

For Petitioner : Ms.M.Anbarasi,
for Mr.D.Selvanayagam.

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

* * *

ORDER

Heard the learned counsel on either side.

2. The issue relates to issuance of legal heir certificate. One Murugan got married to one Chandra. Three children were born through the said wedlock. The writ petitioner was their elder son. Even during the subsistence of the said marriage, Murugan got married to one Lakshmi. Through the said relationship, four children were born. The writ petitioner's mother Chandra had passed away on 03.01.2016. Murugan had passed away on 19.01.2022. When the petitioner approached the authority for issuance of legal heirship certificate, on the ground that Murugan got married twice, the petitioner's request was negatived. Challenging the said endorsement dated 27.07.2022 issued by the Tahsildar, Eral Taluk, this writ petition has been filed.

3. It is true that Murugan's so called wife Lakshmi cannot be considered as a legal heir. But the children born through the first wife which includes the writ petitioner and the children born through the second wife cannot be denied

the status of legal heirs.

4. In this view of the matter, the order impugned in this writ petition is set aside. The matter is remitted to the file of the respondent. The respondent shall issue legal heirship certificate showing the names of the children born through the first marriage and the four children born through the relationship between Murugan and Lakshmi. This shall be done within a period of four weeks from the date of receipt of a copy of this order. This writ petition stands allowed. No costs.

23.08.2022

Index : Yes / No
Internet : Yes/ No

PMU

To:

The Tahsildar,
Eral Taluk,
Thoothukudi District.

G.R.SWAMINATHAN,J.

PMU

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