



W.P(MD)No.19386 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2022

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.19386 of 2022

R.Ramu @ Ramya

... Petitioner

**Vs.**

1.The District Collector,  
Dindigul District,  
Dindigul.

2.The Tahsildar,  
Vedasanthur Taluk,  
Dindigul District.

3.Raju

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned rejection order passed by the 2nd respondent on the petitioner's application No. TN-720200514466 dated 14.05.2020 and quash the same as illegal and consequently directing the 2nd respondent to issue a legal heirship certificate to the petitioner.

For Petitioner : Mr.V.Karuna

For R1 & R2 : Mr.M.Sarangan  
Additional Government Pleader



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## **ORDER**

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for R1 & R2.

2. Considering the nature of relief to be granted, issuance of notice to R3 is dispensed with.

3. The petitioner got married to one Raja son of the third respondent. The said Raja had died on 21.11.2019. It was not a natural death. According to the petitioner, her husband committed suicide. According to the third respondent, the petitioner had murdered her husband. Therefore, Crime No. 137 of 2019 was registered under Section 174 of Cr.P.C on the file of the concerned police station. The third respondent had already filed O.S.No.43 of 2020 on the file of the District Munsif Court, Vedasanthur for restraining the authorities from issuing the legal heir certificate in favour of the petitioner. Citing the pendency of the said suit, the petitioner's request for issuance of certificate was denied. Challenging the same, this Writ Petition came to be filed.



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4. The copy of the complaint had been enclosed in the type set of papers.

I went through the same. The third respondent himself admits that the petitioner is his daughter-in-law. Of-course, some serious allegations have been against the petitioner's conduct. The third respondent also suspects the petitioner's role in the death of his son. Be that as it may, the relationship of the petitioner with the deceased is not in doubt.

5. Therefore, in the very nature of things, the second respondent cannot refuse to issue the certificate as sought for by the petitioner herein. I fail to understand as to how the said suit itself is maintainable. In any event, no interim order had been obtained in the said suit against the second respondent. Therefore, the second respondent could not have rejected the petitioner's request on the ground mentioned in the impugned order.

6. In this view of the matter, the order impugned in the writ petition is set aside. The matter is remitted to the file of the second respondent. The second respondent will hold an enquiry. The second respondent will issue notice to the third respondent and thereafter, certificate setting out the legal heirs of the deceased will be issued. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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7. The learned Additional Government Pleader points out that the criminal case had been closed as 'action dropped' and that the third respondent had filed CrI.O.P.(MD)No.4499 of 2020 seeking transfer of investigation. Let me assume that the petitioner is eventually found guilty, even then, the petitioner can only be disqualified from inheriting the estate of the deceased. That will not take away the status of the petitioner as the legal heir of the deceased.

8. In this view of the matter, the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

**24.08.2022**

Index : Yes / No  
Internet : Yes/ No  
rmi

To

1.The District Collector,  
Dindigul District,  
Dindigul.

2.The Tahsildar,  
Vedasanthur Taluk,  
Dindigul District.



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**G.R.SWAMINATHAN, J.**

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