



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2022

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P (MD) No.20542 of 2021

Silumpayee

... Petitioner

Vs.

1.The District Collector,
Karur District,
Karur.

2.The Revenue Divisional Officer,
Kulithalai,
Karur District.

3.The Tahsildar,
Kulithalai,
Karur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the second and third respondents to include the petitioner's husband first wife name Rakkayee in the legal heir certificate Pa.Mu.No.4817/2013(A5), dated 22.04.2013 issued by the third respondent for the petitioner's husband Govindan, who died on 25.12.2006.

For Petitioner : Mr.R.Murugappan
For Respondents : Mr.D.Ghandiraj,
Special Government Pleader.

ORDER

Heard Mr.D.Ghandiraj, learned Special Government Pleader, who takes notice on behalf of the respondents. Though the learned counsel for the petitioner expressed some inconvenience in arguing the matter, since the petitioner had filed an application seeking to fix an early date to hear the Writ Petition, I had the pleasure of examining the records and with the assistance of Mr.D.Ghandiraj, learned Special Government Pleader, I am able to dispose of the Writ Petition.

2. This Writ Petition has been filed in the nature of Mandamus seeking a direction against the second respondent/the Revenue Divisional Officer, Kulithalai, Karur District and the third respondent/the Tahsildar, Kulithalai, Karur District to include the name of the first wife, Rakkayee, of the husband of the petitioner, in the legal heirship certificate dated 22.04.2013 issued by the third respondent.



3. The petitioner that she was married to one Govindan. A perusal of the affidavit shows that the said Govindan had married Rakkayee who died on 25.12.2006. Even when Rakkayee was alive, the petitioner, had entered into a relationship with Govindan and she claims that she had married him with the consent of the first wife. The marriage of the petitioner with Govindan is per se null and void. The petitioner's husband Govindan died on 04.06.2001.

4. Thereafter, application for legal heirship certificate was made and it was issued. In that legal heirship certificate, the name of the petitioner Silumpayee was shown and thereafter the names of the sons and daughters were also shown. The present Writ Petition has been filed to include the name of Rakkayee in the legal heirship certificate.

5. The Writ Petition deserves to be allowed in part because the petitioner has recognized the status of the first wife Rakkayee. It is deeply appreciated. But simultaneously the status of the petitioner will also have to be de-recognized by the Court. Therefore, a direction is given to the second and third respondents to issue a fresh legal heirship certificate by deleting the name of the petitioner Silumpayee and including the name of Rakkayee in the legal heirship certificate already issued. The names of the children may be retained.

6. With the said observations, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Nsr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
Karur Disrict,

<https://hcservices.courts.gov.in/hcservices/>



2.The Revenue Divisional Officer,
Kulithalai,
Karur District.

3.The Tahsildar,
Kulithalai,
Karur District.

+1 CC to M/s.SPL.GP (SR-751[F] dated 07/01/2022)

W.P (MD) No.20542 of 2021
06.01.2022

GM(CO)

GC(24.01.2022) 3P 5C