



W.P.(MD)No.22812 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.22812 of 2022

Padma

... Petitioner

Vs

1.The Revenue Divisional Officer
Thanjavur District

2. The Tahsildar
Orathanadu Taluk
Thanjavur District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to dispose the petitioner's appeal dated 04.08.2022 within the time stipulated by this Hon'ble Court and consequently direct the second respondent to keep the legal heir certificate dated 23.07.2021 in certificate No.TN-720210503886 in abeyance pending disposal of the appeal before the 1st respondent .

For Petitioner : Mr.K.Baalasundharam

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate



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ORDER

WEB COPY The petitioner has prayed for issuance of a Writ of Mandamus, directing the first respondent to dispose the petitioner's appeal dated 04.08.2022 within the time stipulated by this Hon'ble Court and consequently direct the second respondent to keep the legal heir certificate dated 23.07.2021 in certificate No.TN-720210503886 in abeyance pending disposal of the appeal before the first respondent .

2.Heard Mr.K.Baalasundharam, learned counsel appearing for the petitioner and Mr.N.Ramesh Arumugam , learned Government Advocate, who takes notice for the respondents 1 and 2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The learned counsel for the petitioner submits that the petitioner is the legally wedded wife of Rajendran who died on 18.03.2021 leaving behind herself, her children Siva aged about 45 years and Suryakala aged about 38 as legalheirs. The husband of the Petitioner obtained license for retail petrol bulk under the Bharat Petroleum in the name and style of Shivasankar agency at Thiruvonum Vilage, Orathanadu Taluk, Thanajvur District. However, despite the said fact, she learnt that one Vijayalakshmi claiming herself to be the legally



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wedded wife of Rajendran obtained a legal heir certificate from the second respondent. The son of the petitioner is not educated. Thereafter the petitioner came to understand that son of the said Vijayalakshmi namely Sankarasuriya Moorthy taking advantage of the same, had obtained legal heir certificate by showing his mother as wife of the deceased. Challenging the same the petitioner preferred an appeal before the first respondent on 24.08.2022. Seeking speedy disposal of the said appeal, the petitioner has filed the present writ petition.

4. A perusal of the materials available on record clearly indicates that the petitioner and Vijayalakshmi claim themselves to be the legally wedded wife of Rajendran. Such a claim cannot be decided in a writ proceedings under Article 226 of the Constitution of India, contrarily it can be decided by the competent civil Court. Therefore the petitioner has to approach the competent civil Court for redressal of her grievance.

5. That apart, the petitioner has not impleaded Vijayalakshmi, against whom she sought relief, as a party/respondent herein. Therefore on account of non joinder of necessary party the writ petition is liable to be dismissed. Accordingly the writ petition is dismissed. However it is open to the petitioner



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to approach the competent civil Court to work out her remedy in the manner

known to law. No costs.

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Index : Yes/No

Internet: Yes/No

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To

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V.BHAVANI SUBBAROYAN, J.

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