



W.P.(MD).No.25844 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD)No.25844 of 2022

Mrs.S.Aruna

... Petitioner

vs.

1.The District Collector,
Trichy District,
Trichy.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Musiri Division,
Musiri Post,
Trichy District.

3.The Tahsildar,
Thuraiyur Taluk,
Trichy District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third respondent to issue legal heir certificate of petitioner's husband deceased Sivasubramaniyan, by considering the petitioner's representation, dated 24.09.2022.



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For Petitioner : M/s.K.Vidya
For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the third respondent to issue legal heir certificate of petitioner's husband deceased Sivasubramaniyan, by considering the petitioner's representation, dated 24.09.2022.

2. The case of the petitioner is that the marriage between the petitioner and Mr.Sivasubramaniyan was solemnised on 19.08.1988 and they were blessed with a female child on 21.06.1989 and one male child on 10.04.1993. Due to family dispute, her husband shifted to Trichy District and stayed with his mother. Thereafter, the petitioner's husband died on 15.06.2022. The petitioner's son has applied for legal heir certificate through online before the third respondent on 11.07.2022. However, the third respondent without considering his application and without conducting any enquiry, rejected his application stating that as



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per enquiry, there is a divorce case going on with the deceased person and his wife. The mother-in-law of the petitioner has also objected for issuing legal heir certificate. But, there is no divorce case between the petitioner and her husband.

3. Again, the petitioner's son filed another application on 17.08.2022, seeking legal heir certificate through online application No.TN-7202208172359. The said application was also rejected by the third respondent stating that the deceased person's mother is objecting to issue legal heir certificate for her daughter-in-law. Hence, the petitioner has sent a detailed representation to the respondents on 24.09.2022, along with relevant documents. But till date the respondents did not take any action. Therefore, she made an application before the first respondent on 03.10.2022. Since the first respondent has not considered the said application, she has filed the present writ petition.

4. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.



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5. Considering the above facts, this Court is of the view that the objections made by the mother-in-law and the family members of the husband cannot be accepted and what is legally sustainable has to be decided by the authority concerned and mere statement made by somebody stating that the petitioner was living alone at Kancheepuram will not be a reason for rejecting the claim and the authorities to hold an enquiry and pass appropriate orders, when there is no material to show that there was a divorce granted by any competent Court against the deceased person and the petitioner herein. That being the case, the third respondent is directed to consider all the documents and hold an enquiry and pass appropriate orders, after affording an opportunity of hearing to the parties concerned, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

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To

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V.BHAVANI SUBBAROYAN,J.

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