



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED **22.02.2023**

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 3671 of 2023

Baby

... Petitioner

..Vs..

1. The District Collector
Perambalur
Perambalur District.
2. The Revenue Thasildar
Veppanthattai
Perambalur District.
3. The Revenue Inspector
Vengalam Zone, Veppanthattai,
Perambalur District.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the order in O.Mu.A5/2134/2022 dated 03.08.2022 passed by the second respondent and quash the same and consequently, direct the second respondent to issue the legal heir certificate to the petitioner by declaring the petitioner and her children as Legal Heirs.



For Petitioner

:: Mr. M.Muthukrishnan

For Respondents

:: Mr. U.Baranitharan
Additional Government Pleader**ORDER**

This Writ Petition has been filed in the nature of Certiorarified Mandamus, seeking a direction to interfere with an order of the second respondent/the Revenue Thasildhar, Veppanthattai, Perambalur District, dated 03.08.2022 in O.MU.A5/2134/2022 whereby the said second respondent had denied to recognise the petitioner herein as the legal heir of the deceased Sukkiran.

2. The short facts are that Sukkiran, a farmer, had originally married one Bavalakodi. They had one daughter called Jothi. It is claimed by the petitioner herein that after the death of Bavalakodi, she married Sukkiran. They were blessed with two children Deepak and Rani. Since Sukkiran died, the petitioner had applied for legal heirship certificate. It was rejected by the second respondent claiming that Sukkiran had two wives and that there is no document produced evidencing marriage between the



petitioner and Sukkiran and therefore, the legal heirship certificate cannot be granted.

3. However, the learned counsel for the petitioner placed reliance on a certificate issued by the Village Administrative Officer stating that Bavalakodi had died about 20 years back.

4. These are issues which can be explained only by the petitioner and this Court cannot enter into any discussion whether the petitioner herein had actually married Sukkiran after the death of Bavalakodi, whether the said marriage can be recognised in law.

5. At any rate, even if the petitioner is not recognised owing to doubts about the marriage and the date of marriages till her two children Deepak and Rani should be recognised as legal heirs. These are issues which has to be examined only by the Thasildhar and I would therefore set aside the order under consideration here before this Court and remit the matter back to the second respondent.



6. The second respondent while passing orders should come to his personal satisfaction. He had passed the orders on the basis of the report of the Revenue Inspector but it is expected that every quasi judicial authority should apply his or her own mind and come to personal satisfaction before coming to a decision. Moreover, reasons should be given for that particular decision taken. If the marriage of the petitioner is to be questioned, then the Village Administrative Officer can very well be examined relating to the certificate given by him. These are issues on facts and since there is no contest, it would only be appropriate that Thasildhar makes a preliminary enquiry on all these aspects.

7. A direction is given to the second respondent to re-examine the entire issue and pass fresh orders. Such order should be passed on or before 31.03.2023 in accordance with circular in G.O.Ms.No. 478 Revenue and Disaster Management Department, dated 29.09.2022.



WEB COPY 8. With the above direction, this Writ Petition stands disposed of.

No order as to costs.

22.02.2023

vsg

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

To

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C.V.KARTHIKEYAN, J.,

vsg

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