



WEB COPY



W.P.No.6644 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.No.6644 of 2022

Dilshat Begam

... Petitioner

Vs

1.The District Collector
O/o District Collector
Ranipet District.

2.The Revenue Divisional Officer
O/o. Revenue Divisional Officer
Ranipet District.

3.The Tahsildhar
O/o.Tahsildhar
Valaja Taluk
Ranipet District.

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 11.01.2022 in Oo.Mu.AA.No.3/5982/2020 on the file of the third respondent and quash the same, consequently direct the respondents to issue the legal heirship certificate in favour of the petitioner.



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For Petitioner : Mr.G.Anandaraj

For Respondents : Mr.S.J.Mohamed Sathik
Government Advocate

ORDER

The petitioner has applied for a legal heirship certificate vis-a-vis her husband late Jani Basha. This was rejected by the Tahsildar vide his proceedings dated 11.01.2022, on the ground that the deceased Jani Basha had two wives, and required the petitioner to approach the Court for the remedy.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

3. On the face of it, this Court finds that the approach of the Tahsildar is not correct. After all, the parties are Mohammedans and bigamy is not opposed to the personal laws of Mohammedans as on today.

4. The learned Government Advocate submitted that an appeal provision is available before the Revenue Divisional Officer.



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5. Even though an appeal provision is available, since the fundamental approach of the Tahsildar appears to be faulty, it is only appropriate if this Court sets aside the order of the Tahsildar, the third respondent dated 11.01.2022, and remands the matter back for denovo consideration. Here it may be stated that G.O.Ms.No.478, Revenue & Disaster Management, Revenue Administration Wing, RA-3 (2) Section dated 29.09.2022 has slight deviation from the personal laws, but this does not prohibit it either, otherwise it will lead to multiplicity of proceedings.

6. The writ petition is disposed of accordingly. No costs.

11.08.2023

Index : Yes / No

Speaking order / Non-speaking order
ds



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N.SESHASAYEE.J.,

ds

To:

- 1.The District Collector
O/o District Collector
Ranipet District.
- 2.The Revenue Divisional Officer
O/o. Revenue Divisional Officer
Ranipet District.
- 3.The Tahsildhar
O/o.Tahsildhar
Valaja Taluk
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