



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2023

CORAM

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.11631 of 2020

D.Kalaivani

... petitioner

-Vs-

1. The Tahsildar,
For-Tondiarpet,
Chennai.

2. Shakeela

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Mandamus directing the 1st respondent to issue legal Heirship Certificate of deceased P.L.Devarajan by incorporating the names of the petitioner her son and mother in law as the Class - I Legal Heirs after due personal enquiry.

For petitioner : Mr.T.K.S.Gandhi

For Respondent : Mr.V.Manoharan, AGP RR1
Mr.B.Rajkumar Ashok Singh R2

ORDER

This petition has been filed seeking a direction to the 1st respondent to issue legal Heirship Certificate of deceased P.L.Devarajan by incorporating the names of the petitioner, her son and mother in law as the Class - I Legal Heirs after due personal enquiry.



2. It is the case of the petitioner that she is the second wife and the second respondent is the first wife of Late P.L.Devarajan. The said Devarajan died on 05.06.2020. After his demise, the petitioner made application before the first respondent for issuance of legal heir certificate and the same is not considered and hence, the present writ petition.

3. The learned counsel for the petitioner submitted that during pendency of this petition, the second respondent has filed succession OP before this Court in OP.No.514 of 2020 and this Court allowed the petition and allotted 1/5th share of the property to the petitioner's son. Therefore, this Court may direct the first respondent to include the petitioner's name in the legal heir certificate by incorporating the names of the petitioner, his son and mother in law as Class I legal heirs.

4. The learned Additional Government Pleader submitted that as per the order passed by this Court in the succession OP, the second respondent, her daughters and her mother in law and also the petitioner's son are entitled for the legal heir certificate of Late Devarajan. The petitioner is a second wife of Late Devarajan and therefore, she is not entitled based on her marital status.



5. Heard both sides and perused the materials available on record.

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6. As rightly pointed out by the learned Additional Government Pleader that the petitioner is the second wife and the second respondent is the first wife and legally married wife. The law does not recognize a marriage with another woman during the subsistence of marriage. However, if the petitioner's son was born to the petitioner and the late Devarajan and after adjudication, his name has to include in the legal heir certificate.

7. In such view of the matter, this Court directs the petitioner's son to make a fresh application to the first respondent to include his name in the legal heir certificate within a period of two weeks from the date of receipt of a copy of this order. If such application is filed, the first respondent is directed to dispose of the same after hearing the petitioner and his son as well as the second respondent, in accordance with law, within a period of six weeks thereafter.

8. With the above directions, the writ petition is disposed of. No costs.

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05.06.2023



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M.DHANDAPANI, J.

rli

To

The Tahsildar,
For-Tondiarpet,
Chennai.

W.P.No.11631 of 2020

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