



W.P.No.18801 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.18801 of 2023

K.Priya

... Petitioner

Vs.

1.The District Collector,
Collectorate Offices,
Chengalpattu District.

2.The Tahsildar,
Office of Tahsildar,
Cheyyur Taluk,
Chengalpattu District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records connected with the impugned order passed by the second respondent dated 13.04.2023 and quash the same and consequently, direct the second respondent to issue a legal heirship certificate of deceased Kumaravel in favour of petitioner.

For Petitioner : Mr.M.Selvam

For Respondents : Mr.E.Veda Bagath Singh
Special Government Singh



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ORDER

This Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus, to call for the records connected with the impugned order passed by the second respondent dated 13.04.2023 and quash the same and consequently, direct the second respondent to issue a legal heirship certificate of deceased Kumaravel in favour of petitioner.

2. Mr.E.Veda Bagath Singh, learned Special Government Pleader takes notice for the respondents. In view of the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The petitioner's late husband one Kumaravel has got two wives and the petitioner is the second wife. After the demise of her husband, on 30.01.2023, the petitioner made an application to the second respondent for getting legal heir certificate including the name of the petitioner and her children as well as the first wife. However, the said plea made by the petitioner was rejected by the orders of the second respondent dated Nil.



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Challenging the said order of rejection, the present writ petition has been filed.

4. The learned counsel appearing for the petitioner would submit that, the respondents have failed to note that the petitioner was legally married and there was no dispute between the parties. He also submits that, without considering the same, the second respondent has passed the impugned order, which is not sustainable. Accordingly, he prays for appropriate orders.

5. The learned Special Government Pleader appearing for the respondents has submitted that, since there was a dispute with regard to two wives of the deceased, the second respondent has no power to issue legal heir certificate to the petitioner. Hence, the second respondent had rejected the plea of the petitioner. Accordingly, he submits that the impugned order passed by the second respondent is perfectly in order and the same cannot be interfered.



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6. I have considered the said submission made by the learned counsel appearing for both sides and perused the materials placed before this Court.

7. As rightly pointed out by the learned Special Government Pleader appearing for the respondents that, since there was a dispute with regard to two wives of the deceased, the second respondent is not the competent authority to issue legal heir certificate. Hence, this Court, is not inclined to interfere with the impugned order and the prayer sought for by the petitioner cannot be acceded to. However, the petitioner is at liberty to approach the competent Civil Court to workout the remedy in the manner known to law.

8. Accordingly, the writ petition is dismissed with the aforesaid liberty. No costs.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
sp



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M.DHANDAPANI, J.

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