



WP No.27694 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13-03-2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.27694 of 2014

And

MP Nos.1 of 2014 and 1 of 2015

K.Divya

..

Petitioner

VS.

1.The Tahsildar,
Salem Town,
Salem.

2.The Revenue Inspector,
Salem Town,
Salem.

3.V.Arjunan

4.A.Anthimalli Arujun
(R-3 and R-4 impleaded vide order of
Court dated 26.10.2015 made in
MP No.1 of 2015 in WP 27694 of 2014) .. Respondents

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Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the first respondent order in Oo.Mu.1390/2014/A4 dated 02.04.2014 and quash the same and consequently direct the first respondent to issue the legal heir certificate in favour of the petitioner and her daughter.

For Petitioner : Mr.E.C.Ramesh

For Respondents-1 and 2 : Mr.T.Arunkumar,
Additional Government Pleader.

For Respondents-3 and 4 : Not Ready in Notice

ORDER

The order impugned dated 02.04.2014 reveals that the husband of the writ petitioner one late Mr.Krishnamurthy died on 26.11.2013. The marriage between the petitioner and the deceased Mr.Krishnamurthy was solemnised on 08.11.2010.

2. On account of misunderstanding between the petitioner and the deceased husband Mr.Krishnamurthy, a divorce petition was filed. The



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Tahsildar came to know that the deceased Mr.Krishnamurthy married another woman and thereafter died on 26.11.2013.

3. The petitioner filed miscellaneous petition to implead the father-in-law and mother-in-law. In the said affidavit, the writ petitioner has stated that her husband was brutally murdered by his enemy on 25.11.2013. All those facts are to be enquired into and the Tahsildar prima facie found that the deceased Mr.Krishnamurthy married another woman and subsequently died. When the said doubt has been raised, it is for the petitioner to clarify the same.

4. In the present case, the petitioner has to obtain Succession Certificate from the Competent Court of Law for the purpose of resolving the issues. The Tahsildar has rejected the application for issuance of Legal Heirship Certificate on account of the fact that the husband of the petitioner married another woman and thereafter he died.



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5. The enquiry conducted by the Tahsildar also revealed the said fact and thus the petitioner is at liberty to approach the Competent Forum for the purpose of establishing her right.

6. With the abovesaid liberty, the present writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

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Speaking Order/Non-Speaking Order.
Neutral Citation : Yes/No.
Internet : Yes/No.
Index: Yes/No.
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To

1.The Tahsildar,
Salem Town,
Salem.

2.The Revenue Inspector,
Salem Town,
Salem.



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S.M.SUBRAMANIAM, J.

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