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W.P.No.22849 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2023

CORAM: JUSTICE N.SESHASAYEE

WP.No.22849 of 2023

K.Priya

...Petitioner

-Vs-

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

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

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records connected with the impugned order passed by the 2nd respondent in Na.Ka.No.1772/2023/A4 dated 13.04.2023 and quash the same and consequently direct the 2nd respondent to issue a legal heirship certificate of deceased Kumaravel in favour of petitioner.

For Petitioner	: Mr.S.Sankara Narayana Pandian
For R1 & R2	: Mr.A.Anandan, Government Advocate



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ORDER

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The petitioner claims that she is the wife of Late.Kumaravel and that she applied for a legal heir certificate to the second respondent. The second respondent has rejected it on the ground that since Kumaravel had two wives, it is to be resolved by the civil Court.

2.Mr.A.Anandan, learned Government Advocate takes notice for the respondents 1 and 2.

3.The Hon'ble Full Bench of this Court in ***P.Venkatachalam Vs. The Tahsildar and batch of cases reported in W.P.Nos.25247 of 2021 dated 17.06.2022*** has made it clear that a legal heir certificate issued by the Tahsildar only will establish the relationship and does not ensure any legal effect of such relationship as it depends on the personal law of the parties.



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4.After hearing both side, this Court deems it appropriate to set aside the impugned order of the second respondent and remands the matter back to the second respondent for a *de novo* consideration of the matter.

5.The Writ Petition is disposed of accordingly. No costs.

03.08.2023

Index : Yes/No

Internet : Yes/No

Tsg

To

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2.The Tahsildhar,
Office of Tahsildar,
CheyyurTaluk,
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N.SESHASAYEE, J.,

Tsg

Order made in
W.P.No.22849 of 2023

03.08.2023