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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

**WP(MD)No.1934 of 2023
and
WMP(MD)No.1711 of 2023**

P.Jeya Merry

... Petitioner

Vs.

1.The Zonal Deputy Tahsildar,
Taluk Office,
Srivilliputhur Taluk,
Virudhunagar District.

2.The Village Administrative Officer,
Poovani Group,
Srivilliputhur Taluk,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent passed in his impugned online rejection order dated 15.12.2022 and quash the same and consequently direct the respondents to issue legal heir certificate to the petitioner based on the petitioner's application no. TN7202212081749 dated 08.12.2022 and to consider the petitioner's representation dated 03.01.2023.



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For Petitioner : Mr.P.R.Boomee Rajan

For Respondents : Mr.B.Saravanan,
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petitioner's husband Pandiaraj passed away on 15.11.2022. The petitioner submitted on-line application for issuance of legal heir certificate. Citing that the petitioner is the third wife of Mr.Pandiaraj, her application for legal heir certificate was rejected. This cannot be a ground for rejection. It appears that the first marriage was dissolved in the manner known to law. The second wife has died. Thereafter, the petitioner got married to Mr.Pandiaraj. In this view of the matter, the reason set out in the impugned rejection order will have to be rejected. It is accordingly set aside. The matter is remitted to the file of the first respondent. The first respondent will hold a fresh enquiry and pass orders within a period of twelve weeks from the date of receipt of copy of this order.



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3. This writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

01.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Skm

To

1. The Zonal Deputy Tahsildar,
Taluk Office, Srivilliputhur Taluk,
Virudhunagar District.
2. The Village Administrative Officer,
Poovani Group, Srivilliputhur Taluk,
Virudhunagar District.



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G.R.SWAMINATHAN, J.

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