



W.P(MD)No.6025 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6025 of 2022
and
W.M.P.(MD)No.4696 of 2022

Shanthi

... Petitioner

Vs.

1.The Tahsildar,
Authoor Taluk Office,
Dindigul District.

2.Vijayanand

3.Venkatesh

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Legal heirship Certificate vide Certificate No.TN-7202112312069 dated 07.01.2022 issued by the 1st Respondent herein in favour of the Respondents No.2 and 3 in respect of the death of petitioner's husband namely Govindaraj,

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S/o.Narayanasamy and quash the same as illegal and consequently direct the 1st Respondent herein to re-issue the Legal Heirship Certificate by including the Petitioner's name as Legal Heir of petitioner husband namely Mr.N.Govindaraj and for other reliefs.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.M.Sidharthan,
Addl. Government Pleader for R1.
Mr.J.William Christopher for R2 & R3.

ORDER

Heard both sides.

2.One Govindaraj passed away in road accident on 17.06.2021. Originally Govindaraj got married to one Sangeetha. Through the said wedlock, the respondents 2 and 3 were born. Sangeetha passed away in the year 2003. The case of the petitioner is that thereafter she got married to Govindaraj. The petitioner admits that she was originally married to one Jeyaseelan in the year 1987 and begot a male child through the said marriage and that the said Jeyaseelan died in the year



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2000. It appears that Govindaraj was possessed of immovable properties. There arose dispute between the petitioner on the one hand and the respondents 2 and 3 on the other. An understanding was amicably arrived at. A sum of Rs.10,00,000/- was paid to the petitioner. The petitioner through her counsel acknowledges having received the said sum of Rs.10,00,000/-. The petitioner further informs the Court that in lieu of said payment, she had given up her claim on the immovable properties of Govindaraj. In other words, the petitioner will not stake any claim on the immovable properties of Govindaraj and that she will not have objection for the the respondents 2 and 3 to take the same. As and when the respondents 2 and 3 apply for any patta transfer, the petitioner will not have any objection. If necessary, the petitioner will even affix her consent in any of the forms that may be submitted by the respondents 2 and 3.

3.The petitioner has grievance that in the legal heir certificate of Govindaraj, the respondents 2 and 3 alone have been shown as the surviving legal heirs and that she has been omitted.



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4.My attention has been drawn to G.O.(Ms) No.478, Revenue and Disaster Management, dated 29.09.2022 issued by the Government of Tamil Nadu. It states that proving the relationship of legal heirs with the deceased, the following documents can be submitted:-

- 1. Marriage Registration Certificate; or*
- 2. Passport; or*
- 3. Voter ID; or*
- 4. Aadhaar card; or*
- 5. Community certificate; or*
- 6. Driving License; or*
- 7. Birth Certificate of all children ; or T.C. of all children*
- 8. Any other similar document.*

5.In this case, the petitioner is having ration card, voter ID, Aadhaar card and bank passbook. In fact, the bank account is in the joint names of the petitioner and Govindaraj. Therefore, the impugned legal heir certificate issued by the first respondent is set aside. The first respondent shall issue a fresh legal heir certificate in which the petitioner will also be included as a surviving legal heir along with the respondents



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2 and 3. This legal heir certificate can be used by the petitioner for obtaining pension and for getting compensation in M.C.O.P. It will not be used by the petitioner for any other purpose.

6.This writ petition is allowed accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

21.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The Tahsildar,
Authoor Taluk Office,
Dindigul District.



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G.R.SWAMINATHAN, J.

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