

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.1005 of 2015

and

M.P.(MD)No.1 of 2015

K.Sarasammal

... Petitioner

versus

1. The Tahsildar,
Thovalai Taluk,
Boothapandi,
Kanyakumari District.

2. The Revenue Inspector,
Thovalai Taluk,
Boothapandi,
Kanyakumari District.

3. The Village Administrative Officer,
Boothapandi Village,
Thovalai Taluk,
Kanyakumari District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents to issue the legal heirs certificate of the petitioner's husband, Late Mr.Irudhayaraj, based on the petitioner's application dated 21.10.2004.

For Petitioner : Mr.C.K.M.Appaji

For Respondents : Mr.S.Shaji Bino,
Special Government Pleader

ORDER

This writ petition is filed for a Mandamus directing the respondents to issue a legal heir certificate of the petitioner's husband Late Irudhayaraj, based on her application dated 21.10.2004.

2. The learned counsel for the petitioner submits that the petitioner's husband, one Irudhayaraj, served as Inspector of Police and retired from service on 01.08.1989. The said Irudhayaraj died on 15.10.2004. Therefore, the petitioner has filed an application before

the Tahsildar for issuing a legal heir certificate of the deceased Irudhayaraj, however, the same has not been issued. Therefore, the petitioner has filed this writ petition.

3. The learned Special Government Pleader, by referring the counter affidavit filed by the first respondent/the Tahsildar, Thovalai Taluk, submits that prior to the marriage of the petitioner, the said Irudhayaraj had married one Rajam and it is not known as to whether the marriage between Irudhayaraj and Rajam is in existence or not. Therefore, they are not in a position to issue a legal heir certificate.

4. Since the respondents have taken a stand that prior to the marriage of the petitioner, the deceased Irudhayaraj had married one Rajam, this Court is not inclined to issue direction to the respondents to issue a legal heir certificate. Accordingly, this writ petition is dismissed.

5. However, it is always open to the petitioner to file a suit for declaration that she is the legally wedded wife of Irudhayaraj and also seek the relief of issuance of legal heir certificate. No costs. Consequently, connected miscellaneous petition is closed.

13.03.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

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