



W.P.(MD)No.13466 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13466 of 2015

and

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

N.Pappa

... Petitioner

Vs.

1.The Tahsildhar,
Peeravurani,
Thanjavur District.

2.The Revenue Inspector,
Peeravurai,
Thanjavur District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings made by the first respondent in vide proceedings in mu.Mu.1417/2014/2015, dated 06.05.2014 and quash the same as illegal and consequently, direct the respondents to pass appropriate orders.

For Petitioner : Mr.VR.Shanmuganathan



WEB COPY



W.P.(MD)No.13466 of 2015

For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. According to the petitioner, her husband Natarajan had passed away on 22.09.2013. He was working as Village Assistant. The petitioner applied for issuance of legal certificate. But the first respondent declined to issue the same on the ground that the deceased had more than one wife. Challenging the stand of the first respondent, the present writ petition has been filed.

3. The first respondent cannot mechanically reject an application on the ground that the petitioner was twice married. Proper enquiry must be conducted. If there is a genuine and *bona fide* dispute regarding the petitioner's marital status, then the first respondent can decline to issue the certificate. In any event, the petitioner is blessed with two children who were born thorough the said Natarajan. Therefore, the legal heir certificate can atleast to be issued in favour of the children. If any objection that has been made has absoulutely no basis, then obviously it



W.P.(MD)No.13466 of 2015

deserves to be rejected. The first respondent of course cannot undertake an enquiry like a civil Court. But then atleast a summary enquiry must be held in such cases.

4. In this view of the matter, the order impugned in this writ petition is set aside. The matter is remitted to the file of the first respondent. The first respondent shall hold an enquiry and pass final order on merits and in accordance with law within a period of ten weeks from the date of receipt of a copy of this order.

5. This writ petition is allowed on these terms. Consequently, connected miscellaneous petition is closed.

04.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

To

1.The Tahsildhar,
Peeravurani,
Thanjavur District.

2.The Revenue Inspector,
Peeravurai, Thanjavur District.



WEB COPY



W.P.(MD)No.13466 of 2015

G.R.SWAMINATHAN,J.

MGA

W.P.(MD)No.13466 of 2015
and
W.M.P(MD)No.1 of 2015

04.09.2023