



W.P.(MD)No.2706 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.2706 of 2015

Krishnaveni

... Petitioner

versus

1. The Tahsildar,
Nilakottai,
Dindigul District.

2. N.Jeya

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the 1st respondent in O.Mu.6497/14/Aa2 dated 14.08.2014 and quash the same as violative of principles of natural justice and consequently, direct the 1st respondent to grant legal heir certificate to the petitioner for the death of the petitioner's husband Late Kuberan.

For Petitioner	: Mr.R.Rajaraman
For R1	: Mr.G.V.Vairam Santhosh, Additional Govt. Pleader
For R2	: No appearance



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ORDER

This writ petition is filed as against the order of the Tahsildar, Nilakottai, dated 14.08.2014, rejecting the request of the petitioner for a legal heir certificate for the death of her husband Late Kuberan.

2. The learned counsel appearing for the petitioner submits that the petitioner is the legally wedded wife of the deceased Kuberan and therefore, she made a representation to the first respondent for issuance of a legal heir certificate. However, the first respondent rejected the request of the petitioner stating that the deceased Kuberan was having two wives and the petitioner has not produced any sufficient document that she is the legally wedded wife of the deceased. The learned counsel for the petitioner further submits that the marriage held between the deceased Kuberan and one N.Jeya, who is the second respondent herein, was dissolved by a Court and she also married another person. The petitioner has also collected the document



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pertaining to the divorce effected between the deceased Kuberan and the second respondent and now, she is ready to produce the same before the first respondent.

3. The learned Additional Government Pleader appearing for the first respondent submits that the deceased Kuberan was having two wives and therefore, the first respondent, by the impugned order dated 14.08.2014, rejected the request of the petitioner.

4. This court considered the rival submissions made and perused the materials placed on record.

5. The request of the petitioner for issuance of a legal heirship certificate was rejected by the first respondent on the ground that the deceased Kuberan was having two wives and also on the ground that the petitioner has not produced any sufficient document to establish her case that she is the legally wedded wife of the deceased.



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6. The learned counsel appearing for the petitioner submits that now, the petitioner has collected the document pertaining to the divorce effected between the deceased Kuberan and the second respondent and she is also ready to produce the same before the first respondent.

7. In view of the said submission, the first respondent, namely, the Tahsildar, Nilakottai, Dindigul District, is directed to consider the request of the petitioner for issuance of a legal heir certificate, if she produces necessary documents for the same.

8. With the above direction, the writ petition is disposed of. No costs.

13.03.2023

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.



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To

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B.PUGALENDHI, J.

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