



W.P.No.3013 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.3013 of 2024

and

W.M.P.No.3293 of 2024

Thilagavathy

... Petitioner

Vs.

1.The District Collector
Office of The District Collector,
Chennai 600001

2.The District Revenue Officer
Chennai District

3.The Revenue Divisional Officer
South Chennai District,
Guindy Chennai 600032

4.The Tahsildar
Velacherry Taluk
Chennai

5.Ms.Kasthuri

6.Priyanka

7.Madhan

...Respondents



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Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent in proceedings No. Se.Mu.Aa.No.U6/efile-197122/ 2022 dated 27.09.2023 and quash the same.

For Petitioner : Mr.T.N.Rajagopalan

For Respondents : Mr.U.Baranidharan, AGP [R.1 to R.4]

: Mr.L.Chandra Kumar for
Mrs.G.Manjula Devi [for R.5 to R.7]

ORDER

The petitioner claims that she is the first and legally wedded wife of the late Mr.Parthiban. After the death of Mr.Parthiban, the writ petitioner secured Legal Heirship Certificate from the competent authority.

2. The 5th respondent made a representation to the Government Department to recognise her as the second wife and to recognise her children as legitimate legal heirs of late Mr.Parthiban. The said application was forwarded by the department concerned to the District Revenue Officer, who in turn conducted an inquiry. The inquiry was conducted by



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affording opportunity to the parties. The fact remains that the writ petitioner secured Legal Heirship Certificate without knowing the fact that the 5th respondent is the second wife of her husband late Mr.Parthiban. During the course of inquiry, the District Revenue Officer Chennai found that the 5th respondent is the second wife of Late Mr.Parthiban and consequently, cancelled the Legal Heirship Certificate, issued in favour of the writ petitioner.

3. On cancellation, the District Revenue Officer granted liberty to the parties to submit an on-line application for issuance of fresh Legal Heirship Certificate, based on the order dated 27.09.2023. The said order came to be challenged in the present writ proceedings.

4. The grounds raised on merit regarding the relationship between the deceased employee and the 5th respondent cannot be decided by this Court in a writ proceedings.

5. Mr.Rajagopalan, learned counsel for the petitioner would submit that the 5th respondent is not the second wife of the late Mr.Parthiban.



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6. Mr.L.Chandra Kumar, learned counsel appearing on behalf of the respondents 5 to 7 would submit that the 5th respondent is the second wife of the deceased employee, Mr.Parthiban, and respondents 6 and 7 are the children born from and out of the wedlock between the deceased employee Mr.Parthiban and the 5th respondent.

7. The learned Government Pleader would submit that the parties have to establish their civil rights before the competent Civil Court of law. As far as the inquiry conducted by the District Revenue Officer is concerned, the authorities identified the 5th respondent as the second wife of the deceased employee late Mr.Parthiban and the respondents 6 and 7 are the children born from and out of the wedlock between the deceased employee Mr.Parthiban and the 5th respondent, Kasthuri.

8. In view of the above facts and circumstances, the competent authority is empowered to issue fresh Legal Heirship Certificate, pursuant to the orders passed by the District Revenue Officer, Chennai, in proceeding dated 27.09.2023. If at all the petitioner is aggrieved from and out of the said Legal Heirship Certificate, either of the parties are at liberty to approach the competent Civil Court of law for the purpose of



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establishing their relationship and to secure a decree of declaration in the manner known to law.

9. Accordingly, the writ petition stands dismissed. No costs.

Consequently, the connected Miscellaneous Petition is closed.

(sha)

25.04.2024

Index : Yes

Speaking Order

Neutral Citation : Yes

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S.M.SUBRAMANIAM. J.,

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