



W.P.No.5909 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2024

CORAM

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.5909 of 2022

K.Jayanthi

...Petitioner

Vs.

The Tahsildar,
Aminjikarai Taluk,
Chennai – 600 030.

...Respondent

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the 1st respondent herein in his proceedings having transaction reference no.TNTACCHN02335282 pursuant to the Application No.TN7202108191705 quash the same and direct the 1st respondent to issue Legal Heirship certificate to the petitioner herein.

For Petitioner : Mr.C.Ramesh

For Respondent : Mr.R.Neelakandan, AAG,
Assisted by Mr.U.Baranidharan, AGP



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ORDER

This Writ petition has been filed seeking quashment of the proceedings of the 1st respondent having transaction reference no.TNTACCHN02335282, in and by which, the petitioner's application bearing No.TN7202108191705 was rejected and to consequently direct the 1st respondent to issue Legal Heirship certificate to the petitioner.

2. The case of the petitioner is that, she is the legally wedded wife of one K.A.Sachidanandam and their marriage was solemnised on 01.11.1989 and out of the wedlock, they were blessed with two children. The petitioner's husband died on 24.04.2021. Thereafter, the petitioner applied for Legal Heirship certificate of her husband, before the respondent herein. However, the respondent, vide impugned order rejected the petitioner's application. Challenging the same, the petitioner has come up with this Writ petition.

3. Learned counsel for the petitioner submitted that, during his lifetime, the petitioner's husband, the said K.A.Sachidanandam married the petitioner's younger sister in the year 2015, when the 1st marriage is in



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existence, and they have fraudulently registered the second marriage, vide Document No.557/2015, dated 03.08.2015 by suppressing the 1st marriage and thereby the petitioner filed W.P.No.21180 of 2017, challenging the registration of the 2nd marriage of her husband and pending the same, the respondent rejected the petitioner's application which is not sustainable. Learned counsel further submitted that, subsequently the said Writ petition was allowed, vide order dated 07.11.2022 and directions were issued to the concerned Sub Registrar for cancellation of the said marriage certificate. Hence, necessarily the impugned rejection order has to be interfered with. Accordingly, he prayed for appropriate orders.

4. On the above said contentions, heard learned Additional Advocate General appearing on behalf of the respondent and perused the material documents placed on record.

5. It is not disputed that the petitioner married the said K.A.Sachidanandam in the year 1989 and there were some dispute between the husband and wife which resulted in filing of divorce petitions by the said K.A.Sachidanandam in H.M.O.P.No.1416 of 2008, H.M.O.P.No.4293 of



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2013 and H.M.O.P.No.617 of 2018 seeking divorce, however the same were dismissed and the marriage between the petitioner and the said K.A.Sachidanandam has not been dissolved by the operation of law.

6. It is relevant to note that the said K.A.Sachidanandam married the younger sister of the petitioner, while the 1st marriage between the petitioner and the said K.A.Sachidanandam is in subsistence. Such being the position, as long as the first marriage between the petitioner and the said K.A.Sachidanandam is valid and has not been dissolved by way of divorce as per law, contracting second marriage by the said K.A.Sachidanandam with the petitioner's sister is void ab initio and the very registration of the second marriage on the basis of false declaration cannot be sustained in law.

7. Further, it is pertinent to note that, this Court, vide order dated 07.11.2022 allowed the Writ petition filed by the petitioner seeking quashment of the registration of the 2nd marriage performed by the petitioner's husband and further directed the Sub-Registrar is directed to cancel the marriage registration certificate in Document No.557/2015, dated 03.08.2015. In such view of the matter, this Court deems it fit to interfere



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with the impugned rejection order passed by the respondent.

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8. Accordingly, the impugned rejection order passed by the respondent in the petitioner's application seeking Legal Heirship certificate of her husband viz., K.A.Sachidanandam is set aside and the matter is remanded to the respondent for fresh consideration and the respondent is directed conduct appropriate enquiry in between the parties and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner and aggrieved persons, if any.

9. With the above observations and directions, this Writ petition stands allowed. No costs.

23.08.2024

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NCC	: Yes/ No
Speaking Order	: Yes/ No
Index	: Yes/ No



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To

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M.DHANDAPANI, J.

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