



W.P.No.9616 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.9616 of 2021

and

W.M.P.No.10200 of 2021

S.Gomathi

... Petitioner

Vs

1. The District Collector,
O/o. The District Collector,
Dindigul.
2. The Revenue Divisional Office,
Dindigul.
3. The Tahsildar,
Dindigul East Taluk Office,
Dindigul.
4. Village Administrative Officer,
Village Administrative Office,
Dindigul.
5. The Tahsildar,
O/o. The Tahsildar,
Guindy,
Chennai – 600 032.
6. Sekar



W.P.No.9616 of 2021

7. Jeyalakshmi

8. ICICI Lombard General Insurance Company Ltd.,
Arihant Plaza Nos.84 and 85,
I Floor, Wall Tax Road,
Parrys Corner,
Chennai – 624 003.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondent in issuing Legal Heir Certificate of deceased Shanmugapandi vide Ref.No.TN-720200818897 dated 24.08.2020 and quash the same and consequently direct the fifth respondent to issue a fresh legal heir certificate by including the name of S.Gomathi, the wife of the deceased, Jeyalakshmi, the mother of the deceased as legal heirs.

For Petitioner : Ms.A.Subadra

For Respondents : Mr.K.Tippu Sulthan,
Government Advocate (for R1 to R5)

Mr.Y.Prakash (for R6 & R7)

ORDER

The Writ Petition has been filed by the petitioner challenging the legal heirship certificate issued by the third respondent on the ground that her name has not been included in the legal heirship certificate of the deceased Shanmugapandi.



W.P.No.9616 of 2021

WEB COPY

2. The case of the petitioner is that she got married to the said Shanmugapandi on 18.05.2015 and they were living together as husband and wife at No.29, 3rd Street, CIT Nagar, Nandanam, Chennai – 600 035. While that being so, the said Shanmugapandi met with an accident on 17.03.2020 and died on 22.03.2020. Thereafter, the petitioner registered his death certificate and obtained the same and it shows that the petitioner is a wife of the said Shanmugapandi. While they were living together, she was issued Aadhar card, in which also she was mentioned as wife of the said Shanmugapandi. While that being so, the sixth and seventh respondents, being the parents of the deceased Shanmugapandi, had obtained legal heirship certificate without including the petitioner as his legal heir.

3. The learned counsel for the sixth and seventh respondents submitted that their son died as bachelor and he never got married with the petitioner. Therefore, admittedly, the petitioner did not produce any certificate to show that she got married with the said Shanmugapandi and that the same was registered. Hence, the grounds raised by the petitioner are



W.P.No.9616 of 2021

mixed question of facts and it cannot be considered under Article 226 of the Constitution of India.

4. In view of the above, the non inclusive of the name of the legal heirship certificate cannot be considered here. However, the petitioner is at liberty to approach the Civil Court for declaring that she is legally wedded wife. If she succeed in the Civil Court, thereafter, she can very well approach the concerned Revenue Authority for issuance of legal heirship certificate.

5. With the above direction, this Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

10.04.2024

Index:Yes/No
Neutral Citation/Yes/No
kv



W.P.No.9616 of 2021

WEB COPY

To

1. The District Collector,
O/o. The District Collector,
Dindigul.
2. The Revenue Divisional Office,
Dindigul.
3. The Tahsildar,
Dindigul East Taluk Office,
Dindigul.
4. Village Administrative Officer,
Village Administrative Office,
Dindigul.
5. The Tahsildar,
O/o. The Tahsildar,
Guindy,
Chennai – 600 032.



WEB COPY



W.P.No.9616 of 2021

G.K.ILANTHIRAIYAN, J.

kv

W.P.No.9616 of 2021

10.04.2024