



W.P.No.21273 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.21273 of 2021
and
W.M.P.No.22511 of 2021

K. Jayalakshmi

...Petitioner

-Vs-

Tahsildar,
Office of the Tahsildar (Egmore),
Government Taluk Office,
No. 88, Spur Tank Road,
Mukta Gardens, Chetpet,
Chennai – 600 031.

...Respondent

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records connected with the Application status dated 22.08.2021 passed by the Respondent and quash the same and consequently direct the respondent to issue legal heir certificate to the petitioner.

For Petitioner : Mr.S.Ilamvaludhi
For Respondent : Mr.S.Arumugam
Government Advocate



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ORDER

This Writ Petition has been filed as against the order dated 22.08.2021 passed by the respondent, thereby not recommended the application for issuance of legal heirship certificate.

2. The case of the petitioner is that she got married to one V.Subiah Chettiar and gave birth to three children. All the three children got married and living separately. However, she was deserted by the said V.Subiah Chettiar long back. Thereafter, she got married to one Dr.K.V.Govindaraju, on 20.06.1967 at Thirunelveli. Their marriage was also registered. While being so, the said Dr.K.V.Govindaraju died on 08.05.2021. She obtained death certificate for his demise. Thereafter, the petitioner applied for legal heirship certificate and she also produced the death certificate, marriage registration certificate, invitation and copy of the Pension Pay Book of her deceased husband viz., Dr.K.V.Govindaraju. However, it was rejected. Hence, this writ petition.



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3. A perusal of Pension Payment Order, it is clear that the said Dr.K.V.Govindaraju mentioned the petitioner as nominee to receive family pension. Therefore, the petitioner applied for legal heirship certificate on production of necessary certificates. However, the respondent had not recommended for legal heirship certificate, on the ground that the petitioner got married with the deceased Dr.K.V.Govindaraju when her first husband was very much alive.

4. Admittedly, the whereabouts of the first husband is not known and there is no proof to show that she got married to the said V.Subiah Chettiar. Further, after marriage with the deceased Dr.K.V.Govindaraju, their marriage was registered in the Register Office. That apart, the Pension Payment Order also shows that she was nominated by the deceased husband Dr.K.V.Govindaraju as his nominee.

5. Therefore, this Court finds infirmity in the order passed by the respondent and it cannot be sustained and is liable to be quashed. The respondent is directed to issue legal heirship certificate to the petitioner



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on the demise of the said Dr.K.V.Govindaraju, if it is otherwise in order, within a period of two weeks from the date of receipt of a copy of this order, so that the petitioner can apply for her Family Pension before the authority concerned.

6. In view of the above, this writ petition is allowed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

25.04.2024

Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
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To

The Tahsildar,
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G.K.ILANTHIRAIYAN. J,

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