



WEB COPY

W.P.No.23628 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23628 of 2021

S.Irulayee

... Petitioner

Vs.

1. The District Collector,
Thiruvallur District,
Thiruvallur.

2. The Revenue Divisional Officer,
Revenue Divisional Office,
Avadi, Thiruvallur District.

3. The Tahsildar,
Taluk Office, Avadi,
Thiruvallur District.

4. Kasthuri

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd and 3rd Respondents to cancel the earlier Death Certificate in favour of the 4th Respondent vide No. D5364677767224120 / 2020 dated 31.12.2020 issued by the 3rd Respondent and issue a Death certificate of the petitioner's husband in favour of her by considering the petitioners representation dated 15.09.2021.



For Petitioner : Mr.S.Anbazzhagan
for Mr.A.Rajaram

For Respondents : Mr.S.J.Mohamed Sathick,
Government Advocate

ORDER

The Death Certificate of Late Mr.Santhanam issued to the 4th respondent is sought to be quashed in the present writ proceeding.

2. The petitioner claims to be legally wedded 1st wife of Late Mr.Santhanam, who served Special Sub-Inspector of Police in the Police Department. The 4th respondent also claims to be the wife of Late Mr.Santhanam.

3. Mr.A.Anbazzhagan, learned counsel for the petitioner would submit that the 4th respondent was the concubine of Late Mr.Santhanam and the writ petitioner is the legally wedded wife of Late Mr.Santhanam.

4. However, this Court cannot adjudicate such disputed facts relating to the marital status of an employee in a writ proceeding. Even the Revenue Authorities cannot adjudicate the Civil Rights including the matrimonial



disputes. Therefore, the petitioner has to establish her status by approaching the Competent Civil Court of Law for the relief of declaration by impleading all the necessary parties. After disposal of the civil litigation, the person declared as the legally wedded wife of Late Mr.Santhanam is entitled to claim issuance of legal heir certificate and the service benefits due from the Department. Thus, the petitioner is at liberty to approach the Civil Court of Law.

5. With this liberty, this Writ Petition stands disposed of. No costs.

08.02.2024

Jeni
Index : Yes
Speaking order

To

1. The District Collector,
Thiruvallur District, Thiruvallur.
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Revenue Divisional Office,
Avadi, Thiruvallur District.
3. The Tahsildar,
Taluk Office, Avadi,
Thiruvallur District.



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S.M.SUBRAMANIAM, J.

Jeni

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