



W.P.No.36506 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

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S.Kanaka

... Petitioner

VS.

1.The State of Tamil Nadu Represented by its Secretary,
Department of Revenue
Fort St.George,
Chennai 600009.

2.The General Manager,
The Office of the General Manager,
Postal Accounts and Finance,
Tamil Nadu Postal Circle,
Chennai 600008

3.The Senior Superintendent RMS,
Airmail Sorting Division,
Chennai 600016

4.The Senior Postmaster
T. Nagar HPO
Chennai 600017.



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5.The Revenue Divisional Officer,
Coimbatore District,
Coimbatore

6.The Tahsildar
Coimbatore North Taluk Office
Coimbatore 641018
Coimbatore District

7.Marakadham

8.Nandhini

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 5th and 6th Respondents to rescind the Legal Heir Certificate dated 06.06.2023 bearing the Certificate Number TN 7202305251431 issued, pursuant to the application of the Petitioner dated 29.08.2023 and issue a fresh updated rectified Legal Heir Certificate of the deceased husband of the Petitioner.

For Petitioner : Mr.P.V.Ravi Chandran

For R1, R5 and R6 : Mr.R.Neelakandan
Additional Advocate General
Assisted by Mr.V.Ramesh
Government Advocate

For R2 to R4 : M/s.A.Anuradha
Central Government Counsel



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ORDER

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The petitioner herein seeks a direction to the respondents 5 and 6 to cancel the Legal Heirship Certificate of her husband, dated 06.06.2023 bearing Certificate No.TN 7202305251431 and issue a fresh Legal Heirship Certificate by including the names of children of petitioner's husband and spouse.

2. The petitioner got married to one N.Sethuraman on 12th September, 1999, after the death of his first wife-S.Sitalakshmi on 24.05.1998. The petitioner's husband passed away on 30.04.2023 and the petitioner applied for family pension in the Postal Department in which the petitioner's husband served. The petitioner's husband's first wife's children namely respondents 7 and 8 are majors and they have attained the age of 39 and 34 and got married. The petitioner also obtained a Legal Heirship Certificate for her husband by including the name of the petitioner and names of the deceased parents of her husband as legal heirs. However, the names of the children born to him through his first wife were not included. Since the Postal Department insisted the petitioner to produce Legal Heirship



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Certificate including names of the deceased children of first wife, the petitioner submitted an application before the 6th respondent seeking issuance of fresh Legal Heirship Certificate by including the names of respondents 7 and 8, who are all the children of the deceased husband through his first wife. The said application was returned by the 6th respondent on the ground that the petitioner failed to furnish the Legal Heirship Certificate of petitioner's husband's first wife. Therefore, the petitioner has come before this Court.

3. It is stated by the petitioner that she is unable to produce the Legal Heirship Certificate of deceased husband's first wife and she only produced the Birth Certificate of the respondents 7 and 8.

4. Mr.R.Neelakandan, learned Additional Advocate General appearing for the respondents 1, 5 and 6 would submit that the application of the petitioner was returned only on the ground that she failed to produce the Legal Heirship Certificate of deceased husband's first wife and if the petitioner produces the same, the application will be considered in accordance with law.



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5. The petitioner in his affidavit has stated that she is unable to produce the Legal Heirship Certificate of deceased first wife of her husband. The details of the Legal Heirship of deceased first wife are mentioned by the petitioner in her application. She also produced Birth Certificates of her deceased husband's first wife's children. Therefore, it is for the 6th respondent to conduct an enquiry with regard to the correctness of the details furnished by the petitioner and take a decision based on the enquiry.

6. Therefore, the petitioner is directed to resubmit the application before the 6th respondent for issuance of Legal Heirship Certificate in Application No.TN-7202308291450, within a period of two weeks from the date of receipt of copy of this order. On resubmission of the application, the 6th respondent shall conduct enquiry by issuing notice to the petitioner and legal heirs of deceased husband's first wife namely the respondents 7 and 8 herein and pass final orders on its own merits and in accordance with law, within a period of eight weeks from the date of receipt of such resubmission of application.



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7. With the above directions, the Writ Petition stands disposed of. No

costs.

12.12.2024

Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

dm

To

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Chennai 600009.
2. The General Manager,
The Office of the General Manager,
Postal Accounts and Finance,
Tamil Nadu Postal Circle,
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Chennai 600016
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Coimbatore District,
Coimbatore.

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6.The Tahsildar
Coimbatore North Taluk Office
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S.SOUNTHAR, J.

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