



W.P(MD)No.6957 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6957 of 2024
and
W.M.P(MD)No.6475 of 2024

1.Pandiyammal

2.Thevamani

3.Arun

4.Rajamanickam

5.Rajeswari

... Petitioners

Vs.

1.The Tahsildar,
Bodinayackanur Taluk,
Theni.

2.Karuppayi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, to call for



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the records relating to the impugned order passed by the first respondent which is available only in the Web Portal and quash the same and consequently direct the first respondent to grant legal heir certificate for Late.V.Rasu.

For Petitioners : Mr.K.K.Udayakumar

For Respondents : Mr.V.Nirmal Kumar
Government Advocate for R.1

Mr.P.Parveen Kumar for R.2

ORDER

Heard both sides.

2.One V.Rasu passed away on 29.10.2023. He was blessed with two wives. The first wife is the second respondent herein. The second wife is the first petitioner herein. The other petitioners were born to the said V.Rasu through the second wife. When application was filed for obtaining legal heir certificate, it was rejected by citing the fact that V.Rasu was twice married. Challenging the stand of the Tahsildar, the present writ petition came to be filed.



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3.The fact that the deceased was twice married need not come in the way of granting relief. The impugned order is set aside. The matter is remitted to the file of the first respondent. The parties herein shall appear before the first respondent on **24.04.2024 at 03.00 p.m.** The materials shall be placed to show the relationship of the parties. It is conceded before me that the second respondent herein is the first wife. Therefore, after holding enquiry, if the jurisdictional Tahsildar is satisfied, he can issue legal heir certificate indicating the second respondent herein (Karuppayi) as the wife and the children born through the second wife (petitioners 2 to 5) as the children of the deceased. In other words, the legal heir certificate will contain the names of the second respondent and the petitioners 2 to 5.

4.The learned counsel appearing for the petitioners expresses some urgency. He states that the deceased had pledged jewels and availed loan from local co-operative Society. He states that the Society is not accepting redemption of the jewels on the ground that legal heir certificate must be produced. There is a likelihood of the jewels being brought to auction at any moment. I therefore permitting the petitioners



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to approach Kottakudi Primary Agricultural Co-operative Credit Society and settle the entire loan liability. The Society is directed to accept the amount from the petitioners herein. This will stall the proposed auction. The jewels can be returned after the legal heir certificate is produced.

5.This writ petition is disposed of on these terms. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

21.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

The Tahsildar,
Bodinayackanur Taluk,
Theni.



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