



W.P(MD)No.10609 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10609 of 2024

Chellammal

... Petitioner

Vs.

1.The District Collector,
Collectorate Campus,
Virudhunagar.

2.The Thasildar,
Aruppukottai Taluk,
Virudhunagar District.

3.The Village Administrative Officer,
Savaasupuram Village,
Virudhunagar District.

4. Azhagammal

... Respondents

*(R4 is suo motu impleaded vide order dated
05.06.2024 in W.P.(MD)No.10609 of 2024 by GRSJ).*

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 records pertaining to the impugned application TN-7202312192317 rejected by the 2nd and 3rd respondents dated 19.12.2023 and quash the same as illegal and consequently direct the respondents to consider the petitioner's application and issue legal heir certificate.



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For Petitioner : Mr.M.Ananthkumar

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 to R3.

Mr.J.Mohamed Ibrahim for R4.

ORDER

Heard both sides.

2.One Ramar had passed away. The question is who are his legal heirs. The fourth respondent is mother of Ramar. The petitioner claims that she is wife of Ramar. The fourth respondent would contend that the petitioner was married to one Muniyandi and that there was no valid marriage between the petitioner and her son / Ramar. The petitioner while admitting that Muniyandi was her first husband, would claim that the said marriage was dissolved and that she subsequently married Ramar and through the said marriage, a son by name Arun Kumar was born. These are contested issues of fact and they cannot be resolved in writ jurisdiction. The parties will have to work out their rights only before jurisdictional Civil Court.



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3. Granting such liberty to the writ petitioner, the writ petition is disposed of. No costs.

26.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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