



W.P(MD)No.9957 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9957 of 2024

Kala

... Petitioner

Vs.

1.The District Collector,
Collectorate Campus,
Theni District.

2.The Revenue Inspector,
Thenkarai Firka,
Theni District.

3.The Village Administrative Officer,
Thenkarai Village, Theni District.

... 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 the records pertaining to the impugned application TN-720240401803 rejected by the 2nd and 3rd respondent dated 03.04.2024 and quash the same as illegal and consequently direct the respondents to consider the petitioner's application and issue legal heir certificate.



W.P(MD)No.9957 of 2024

For Petitioner : Mr.R.Rajasekaran

For Respondents : Mr.D.Sasikumar,
Addl. Government Pleader.

ORDER

Heard both sides.

2.One Kamaiya passed away on 10.03.2024. The petitioner applied for issuance of legal heir certificate. The request was rejected on the ground that Kamaiya was found to be twice married. This ground is not acceptable. The petitioner claims to be the first wife. It is also seen that the marriage between the petitioner and Kamaiya was not dissolved in the manner known to law. Therefore, the second wife will not have any legal status. But then, the children born through the second wife will have to be recognized as legal heirs. The petitioner cannot exclude the legal heirs born to Kamaiya through the second wife.

3.In this view of the matter, the petitioner is permitted to submit a fresh application before the jurisdictional Tahsildar (The Tahsildar, Periyakulam Taluk, Theni District). As and when such an application is filed, a proper enquiry shall be held. The Tahsildar will issue legal heir certificate



W.P(MD)No.9957 of 2024

notwithstanding the fact the deceased Kamaiya was twice married. The legal heir certificate will include the first wife, the children born through the first wife, the children born through the second wife and the mother of the deceased, if alive. This exercise shall be completed within a period of twelve weeks after a fresh application is submitted before the jurisdictional Tashildar.

4.The writ petition is allowed on these terms. No costs.

05.07.2024

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

- 1.The District Collector,
Collectorate Campus,
Theni District.
- 2.The Revenue Inspector,
Thenkarai Firka,
Theni District.
- 3.The Village Administrative Officer,
Thenkarai Village, Theni District.

Copy to:

The Tahsildar,
Periyakulam Taluk,
Theni District.



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W.P(MD)No.9957 of 2024

G.R.SWAMINATHAN, J.

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W.P(MD)No.9957 of 2024

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