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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15009 of 2020
and
W.M.P.(MD)Nos.12647 & 14716 of 2020

Pottu ... Petitioner

Vs.

1.The Revenue Divisional Officer,
Pudukkottai.

2.The Tahsildar,
Tirumayam Taluk,
Pudukkottai District.

3.Pushpa ... 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 relating with the order of the 1st respondent made in Ni.Mu. 4059/2020/A6, dated 05.10.2020 and quash the same as it is arbitrary and illegal, in consequence to direct the respondents 1 and 2 restore the legal heir certificate No. TN-720200310352 dated 21.03.2020, issued in favour of the petitioner and petitioner's two daughters Ramu and shenbagavalli.

For Petitioner : Mr.R.Suriyanarayanan

For Respondents : Mr.M.Ligadurai
Special Government Pleader for R1 & R2

: Mr.R.Paranjothi for R3

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ORDER

Heard both sides.

2. One Saminathan passed away on 23.06.2004. Copy of the death certificate has been enclosed in the typed set of papers. There is dispute regarding the legal heir certificate. The petitioner is claiming that she is the legally wedded wife. This claim is contested by the third respondent. There is a serious dispute as to who is the first wife. However, children have been born through both the wives. Their birth certificates have also been enclosed in the typed set of papers. As per Section 16 of the Hindu Marriage Act, no stigma attaches to the children whether they are legitimate or illegitimate.

3. I therefore direct the second respondent to issue the legal heir certificate mentioning the names of the children born through the petitioner as well as the third respondent. It is seen that the third respondent has already filed a civil suit in O.S.No.5 of 2021 on the file of the District Munsif Court, Thirumayam. In the said suit, the jurisdictional civil Court will decide who is the legally wedded wife of the said Saminathan. Based on the Judgment and decree to be passed by the civil Court, the second respondent can issue a revised legal heir certificate. For the present, the legal heir certificate to be issued by the second respondent shall contain the names of the children alone born through the petitioner and the third respondent. This shall be done by the

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second respondent within a period of five weeks from the date of receipt of a copy of this order.

3. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

10.01.2024

Index : Yes / No
Internet : Yes/ No
rmi

To

1.The Revenue Divisional Officer,
Pudukkottai.

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Pudukkottai District.

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G.R.SWAMINATHAN, J.

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