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W.P.(MD)NO.16639 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.16639 of 2024 AND

W.M.P.(MD)No.14411 of 2024

Sanmugathai

... Petitioner

Vs.

1. The Tahsildar,
Sankarankovil,
Sankarankovil Taluk,
Tenkasi District.

2. The Village Administrative Officer,
Veeriruppu Village,
Sankarankovil Taluk,
Tenkasi District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned rejection of online application No.TN7202407082352 dated 08.07.2024 issued by the first respondent and quash the same and consequently direct the first respondent to issue the legal heir certificate in favour of the petitioner and her three daughters namely (I) Palammal, (ii) Muruga Lakshmi and (iii) Palthai and her two sons namely (I) Palani and (ii) Kaverikan as legal heirs of Late. Paramasivam Konar within the stipulated time frame fixed by this Court.



For Petitioner : Mr.T.Antony Arulraj

For R-1 & R-2 : Mr.D.Sasikumar,
Additional Government Pleader.

* * *

ORDER

Heard both sides.

2. One Paramasivam passed away. He was blessed with two wives. The petitioner is the first wife. Second wife is none other than the petitioner's sister. The petitioner's sister may not have any legal status. But then, it is claimed by the petitioner that five children were born; three daughters and two sons. The petitioner applied for issuance of legal heir certificate. The first respondent rejected the petitioner's request on the ground that the deceased Paramasivam was twice married. It has been held several times that on this ground, the request for issuance of legal heir certificate cannot be rejected.

3. In this view of the matter, the impugned order is set aside. The matter is remitted to the file of the first respondent. The first respondent will take a call in the matter and issue legal heir certificate.



This shall be done within a period of six weeks from the date of receipt of a copy of this order. This writ petition stands allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

24.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

1. The Tahsildar,
Sankarankovil,
Sankarankovil Taluk,
Tenkasi District.
2. The Village Administrative Officer,
Veeriruppu Village,
Sankarankovil Taluk,
Tenkasi District.



WEB COPY



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G.R.SWAMINATHAN,J.

PMU

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