



W.P(MD)No.17921 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17921 of 2024

and

W.M.P.(MD)No.15359 of 2024

K.Sakkammal

... Petitioner

Vs.

1.The District Collector,
Madurai,
Madurai District.

2.The Tahsildar,
Peraiyur,
Madurai District.

3.The Registrar,
Athikaraipatti Village Panchayat,
Peraiyur Taluk,
Madurai District.

4.Bakkiyam

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to the impugned order passed by the 2nd respondent in his online application No.TN - 7202404101431 dated 28.04.2024 and set aside the same as illegal and consequently direct the 2nd respondent to issue the legal heir certificate of the petitioner's deceased



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husband namely Kannan to the petitioner and consequently direction to the 3rd respondent to conduct proper enquiry and remove the 4th respondent / Bakkiyam name in the death certificate in Form No.6 dated 13.03.2024 and include the name of the petitioner as wife.

For Petitioner : Mr.J.Jeyakumaran

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader for R1 to R3

ORDER

The petitioner claims to be the legally wedded wife of one Kannan. Kannan is no more. The petitioner applied for issuance of legal heir certificate. The application was submitted online. It was rejected without assigning any reason. Challenging the same, this writ petition came to be filed.

2. When the matter was taken up for hearing, the learned Additional Government Pleader submitted that the deceased Kannan was blessed with two wives. The fourth respondent herein is said to be the person who had been taken as second wife by the deceased Kannan. It is also submitted that through the fourth respondent, children were born. If that be so, the Tahsildar could not have rejected the petitioner's application for issuance of legal heir certificate. In the legal heir certificate, the legally wedded wife, the children born through



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the legally wedded wife and the children born through the person who was taken as second wife will be shown. It is well settled that the person taken as second wife cannot enjoy the legal status in the eye of law. In the legal heir certificate, her name will not be shown.

3. In this view of the matter, the impugned communication is set aside. The matter is remitted to the file of the second respondent. The second respondent will conduct enquiry and issue legal heir certificate within a period of two weeks. The Writ Petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

31.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi

To

1.The District Collector,
Madurai,
Madurai District.

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Peraiyur,
Madurai District.

3.The Registrar,
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