



W.P.(MD)No.5551 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.11.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.5551 of 2018

M.Selvi

... Petitioner

/Vs./

The Tahsildar,
Madurai East Taluk Office,
Madurai District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of pertaining to the impugned order in Oo.Mu.No.3361/2017/E2 dated 04.08.2017 and quash the same as illegal and arbitrary and consequently direct the respondent to issue the legal heir ship certificate to the petitioner within the time that may be stipulated by this Court.



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For Petitioner : Mr.A.D.Ganeshamoorthi
For Respondent : Mr.D.Gandhiraj
Special Government Pleader

ORDER

This writ petition has been filed challenging the order dated 04.08.2017 passed by the respondent, there by rejected the request made by the petitioner for issuance of legal heirship certificate.

2. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The petitioner is the wife of one Mani. After their marriage, they gave birth to three children. While being so, her husband died on 21.03.2017 leaving behind the petitioner and three children. Therefore, the petitioner applied for issuance of legal heirship certificate before the respondent. However, it was rejected on the ground that the petitioner's



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husband had more than one wife stating that the respondent has no power to issue the legal heirship certificate, if a person had more than one wife.

4. The learned counsel appearing for the petitioner would submit that there was no enquiry conducted and on false information, the respondent rejected the application submitted by the petitioner seeking legal heirship ship certificate. The petitioner's husband never had another wife. The petitioner is the only legally wedded wife of Mani. There is no rival claim from any other person claiming legal heirship certificate.

5. A perusal of the impugned order also revealed that the respondent, without even referring to any enquiry report, mechanically rejected the petitioner's application, as if the petitioner's husband had more than one wife.

6. In view of the above, the impugned order cannot be sustained and is liable to be quashed. Accordingly the impugned order dated 04.08.2017 is hereby quashed. The respondent is directed to conduct



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proper enquiry and consider the application submitted by the petitioner for issuance of legal heirship certificate within a period of four weeks from the date of receipt of a copy of this order. This writ petition is allowed accordingly. No costs.

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Index : Yes / No
NCC : Yes / No
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TO:

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Madurai East Taluk Office,
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G.K.ILANTHIRAIYAN, J.

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Order made in
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