



W.P.(MD)No.20436 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.20436 of 2024

Chinthanaiselvi

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Tahsildar,
Vilavancode Taluk,
Kanyakumari District-629170.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 2nd respondent to issue the legal heirship certificate of the husband of the petitioner, namely, Sajithkumar based on the petitioner's application TN-7202406271328 by considering the petitioner's representation dated 10.07.2024 within the time stipulated by this Court.

For Petitioner : Mr.D.Boopal

For Respondents : Mr.D.Gandhiraj,

Special Government Pleader



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ORDER

The petitioner seeks a direction to the 2nd respondent to issue legal heirship certificate of her husband, namely, Sajithkumar based on her application TN-7202406271328 and by considering her representation dated 10.07.2024 within the time stipulated by this Court.

2.It is the case of the petitioner that her husband died on 16.03.2021 in the motor accident, leaving behind the petitioner, her minor son and her father-in-law and mother-in-law as legal heirs. Her mother-in-law died on 25.01.2022. The petitioner applied the legal heir certificate of her husband before the 2nd respondent. Since the same has not been considered, the petitioner has filed this Writ Petition.

3.The learned Special Government Pleader appearing for the respondents, on instructions, would submit that the petitioner's husband already married one Smitha Rani. Out of the said marriage, he had two sons. The petitioner is the second wife and the first wife is still alive.

4.The learned counsel appearing for the petitioner, relying upon the registered marriage certificate, which is annexed in the typed set of papers,



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contended that the marriage solemnized between the petitioner and her husband is valid.

5.In such view of the matter, even assuming that the first wife is still alive and the second marriage is contracted, the child born through the second wife will be the legal heir to the petitioner's husband. Therefore, the 2nd respondent is directed to conduct enquiry in this regard and pass orders within a period of one month from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition is disposed of. No costs.

30.09.2024

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

Yuva
To

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Tahsildar,
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N.SATHISH KUMAR, J.

Yuva

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