



WEB COPY

W.P(MD)No.22381 of 2021



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 23.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.22381 of 2021

Amirtham Chellaiah

: Petitioner

Vs.

1.The District Collector,
Tenkasi District, Tenkasi.

2.The Tahsildar,
Veerakeralampudur Taluk,
Tenkasi District.

: 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 pertaining to the impugned order of refusal in Application Number:TN-7202109022321 and the Transaction reference TNCIT00004163025 passed by the second respondent and quash the same as illegal and consequently, directing the second respondent to issue legal heir certificate to the petitioner.

For Petitioner : Mr.A.Anandaraj

For Respondents : Mr.V.Om Prakash,
Government Advocate.



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ORDER

This Writ Petition is directed against the order rejecting the application for legal heir certificate for the deceased Michael Durai.

2. The case of the petitioner is that he is the adopted son of Michael Durai and he has produced the copy of the adoption deed, dated 07.02.1994, but his application came to be rejected for the reason that “deceased person mother name is not added hence rejected”.

3. The learned counsel for the petitioner would submit that in the sworn affidavit submitted before the second respondent, the petitioner has mentioned the name of the mother of the deceased as Anthoni Ammal, who predeceased her son.

4. The learned Government Advocate appearing for the respondents would submit that since the adoption is not in accordance with law and that the wife of the deceased was very much alive, the second respondent has rightly rejected the petitioner's application for legal heirship certificate.



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5. The learned counsel for the petitioner would submit that the petitioner has already filed an additional affidavit stating that the wife of the deceased Michael Durai namely, Jeyamary got customary divorce from her husband in the year 1971 and she has been residing with one Madasamy and that she has no connection whatever with the family of the deceased.

6. As rightly pointed out by the learned Government Advocate, in the absence of any lawful divorce between the deceased Michael Durai and Jeyamary, the said Jeyamary has to be considered as the wife of the deceased Michael Durai. Moreover, as already pointed out by the learned Government Advocate, the adoption deed came to be executed only by the deceased Michael Durai alleged adoptive father of the petitioner and not by the natural parents of the petitioner.

7. No doubt, the reason assigned by the second respondent for rejection of the application is not proper, but at the same time, taking note of the other reasons referred above, the petitioner is not entitled to get the legal heirship certificate from the respondents.



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8. In the result, the Writ Petition is dismissed. The petitioner is at liberty to approach the competent Civil Court to get her status declared, if so advised. No costs.

23.07.2024

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

To

- 1.The District Collector,
Tenkasi District, Tenkasi.
- 2.The Tahsildar,
Veerakeralampudur Taluk,
Tenkasi District.



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K.MURALI SHANKAR, J.

DAS

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Dated 23.07.2024