



W.P.(MD).No.26258 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.26258 of 2024

and

W.M.P.(MD)No.22260 of 2024

Mahalakshmi

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Trichy.

2.The Tahsildar,
Trichy East Taluk,
Trichy District.

3.Jeya @ Jeya Poongothai

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 1st respondent in his proceedings Moo.Mu.No.A4/1341/2023 dated 18.09.2024 and quash the same as illegal.

For Petitioner : Mr.T.Lenin Kumar

For R-1 & R-2 : Mr.D.S.Neduncheliyan,
Government Advocate

For R-3 : Mr.Vignesh



W.P.(MD).No.26258 of 2024

WEB COPY

ORDER

Challenging the order passed by the 1st respondent dated 18.09.2024, cancelling the legal heir certificate in favour of the petitioner dated 26.05.2022, this writ petition is filed.

2.Heard the learned counsels on either sides and carefully perused the materials available on record.

3.The petitioner is the 2nd wife of one late.Muthulingam. At the first instance, the deceased Muthulingam was married to one Jeya @ Jeya Poongothai and they were blessed with two children, namely, Iyeswaran and Gopika Sivani, aged about 22 and 18 respectively. However, due to the indifference which crept in between his first wife and the deceased Muthulingam, the said matrimony concluded in a divorce proceeding before the II Additional Court, Chennai and the marriage was dissolved by the order of the said Court on 19.09.2011 and a permanent alimony of Rs. 5,00,000/- (Rupees Five Lakhs only) each was paid to the 3rd respondent, her son and daughter. Claiming that a permanent alimony has been paid to the 3rd respondent and her children, the learned counsel appearing for the petitioner submitted that they are not entitled for any other benefit out of



W.P.(MD).No.26258 of 2024

the property left out by the deceased Muthulingam. Only on that regard, the objection has been made by the petitioner for cancellation of the legal heir certificate dated 26.05.2022, in which the children of the first wife of Muthulingam has been cited his legal heirs along with the petitioner, her sons, Maheswaran and Muthulingam and Thavamani Ammal, the mother of deceased.

4.However, it is the settled proposition of law that all the children, irrespective of them being born through first wife or second wife, would be the legal heirs of the deceased person. In the instant case, the first wife had two children and the petitioner who is the 2nd wife is blessed with one boy. Incorporating all the children through the first wife as well as the petitioner and the mother of the deceased, a new legal heir certificate has been issued on 10.10.2024. The same cannot be challenged by the petitioner by all means citing that a permanent alimony has already been given to the sons and daughter of the 1st wife as early as on 19.09.2011 when the marriage between the first wife and the deceased Muthulingam was dissolved.

5.This Court is of the considered view that though an alimony has been already paid by the deceased Muthulingam to his first wife's son and



W.P.(MD).No.26258 of 2024

daughter through the 1st wife as far as the property earned by him even the children of the 1st wife are entitled to equal share over it. Hence, this Court categorically concludes that the deceased Muthulingam is survived by his second wife Mahalakshmi children Iyeswaran, Gopika Sivani and Maheswaran, his mother Thavamani ammal and the children born through his first wife Jeya @ Jeya Poongothai.

6. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

27.11.2024

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

To

1. The Revenue Divisional Officer,
Trichy.

2. The Tahsildar,
Trichy East Taluk,
Trichy District.



WEB COPY



W.P.(MD).No.26258 of 2024

L.VICTORIA GOWRI, J.

Sml

W.P.(MD).No.26258 of 2024

27.11.2024