



W.P.(MD)No.26365 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **26.11.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.26365 of 2024

A.Saranya

... Petitioner

Vs.

1. The District Collector ,
Sivagangai.

2. The Tahsildar,
Thirupattur Taluk,
Sivagangai District.

3. Muthathal

4. Vellaichamy Ayyavu ... Respondents
(R3 and R4 are Impleaded Vide Court Order Dated.11.11.2024 in
WMP(MD)No.22608 of 2024.)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Respondent to consider the representation made before the 2nd respondent and also direct the 2nd respondent to issue the Legal Heir Certificate within the time frame as may be fixed by this Court.

For Petitioner : Ms.P.Nageshwari

For Respondents : Mr.S.Kameswaran (R1 & R2)

Government Advocate

Mr.B.Kumaresan (R3 & R4)



W.P.(MD)No.26365 of 2024

ORDER

WEB COPY This writ petition has been filed seeking for a direction to the second respondent to consider the petitioner's presentation dated 25.10.2024 and to issue 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 Ayyavu, who passed away on 16.08.2024. His first wife, namely Ramu predeceased him on 08.12.2009. The petitioner is the second wife of the deceased Ayyavu. The deceased Ayyavu and his first wife were survived by one daughter, namely Muthathal and one son, namely Vellaisamy Ayyavu. The petitioner has one son named Hariharasudhan through the deceased Ayyavu.

4. The learned counsel for the petitioner as well as the learned counsel for the respondents 3 and 4 submitted that in view of the amicable understanding between all the surviving legal heirs of the deceased Ayyavu, the petitioner and the respondents 3 and 4 agreed for the legal heirship certificate to be issued in favour of all the children of both the wives of the deceased Ayyavu.



W.P.(MD)No.26365 of 2024

5. The learned Government Advocate appearing for the official respondents, on instructions, submitted that the petitioner's earlier application was already rejected as early as on 30.09.2024, since there was no consensus among the surviving legal heirs of the deceased Ayyavu.

6. Recording the same, the petitioner is directed to make a fresh application to the second respondent by giving consensus to issue proper legal heirship certificate including all the children of both the wives of the deceased Ayyavu. On receipt of the same, the second respondent is directed to issue proper legal heir certificate of the deceased Ayyavu, in the light of the consensus entered between the parties.

7. With the above direction, this writ petition is disposed of. No costs.

26.11.2024

NCC : Yes / No
Index : Yes / No
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W.P.(MD)No.26365 of 2024

L.VICTORIA GOWRI, J.

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TO:-

1. The District Collector ,
Sivagangai.
2. The Tahsildar,
Thirupattur Taluk,
Sivagangai District.

Order made in
W.P.(MD)No.26365 of 2024

Dated
26.11.2024