



W.P.(MD)No.29564 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **09.12.2024**

CORAM:

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

W.P.(MD)No.29564 of 2024

and

W.M.P.(MD)No.24937 of 2024

Lalitha

... Petitioner

-Vs-

1.The District Collector,
Collectorate Campus,
Tirunelveli District.

2.The Tahsildar,
Palayamkottai Taluk Office,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the rejection order dated nil made in Transaction Reference No.TNEFA230TNV000000189 passed by the 2nd respondent and quash the same and to direct the 2nd respondent to issue a legal heir certificate of the petitioner's husband Thamburaj within the time period fixed by this Court.

For Petitioner : Mr.D.Venkatachalam

For Respondents : Mr.M.Senthil Ayyanar,
Government Advocate



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ORDER

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2.Challenge has been made to the order passed by the 2nd respondent, where the request of the petitioner, seeking issuance of legal heir certificate, has been rejected.

3.The petitioner got married one Thamburaj, who was an employee of the Tamil Nadu State Transport Corporation Limited. He died on 05.05.2024. He already married two wives and gave birth to four children. After the demise of the first and second wives only, the petitioner got married the said Thamburaj and she has no issue. She applied for legal heir certificate along with all the legal heirs, who born through the first and second wives, before the 2nd respondent. However, without considering the same, the 2nd respondent has mechanically rejected the application made by the petitioner on the ground that the deceased Thamburaj had three wives.

4.A perusal of the records reveals that the petitioner got married the deceased as third wife, that too, after the demise of the first and second wives.



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Now, she filed an application, seeking legal heir certificate along with all the legal heirs, who born through the first and second wives. Therefore, the order impugned herein cannot be sustained in the eye of law and the same is liable to be set aside, accordingly, it is set aside.

5.Resultantly, this Writ Petition is allowed with a direction to the petitioner to submit an application afresh for issuance of legal heir certificate along with all the legal heirs before the 2nd respondent within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the 2nd respondent is directed to conduct an enquiry and pass appropriate orders on its own merits and in accordance with law, after giving opportunity of hearing to all the parties concerned within a period of eight weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
NCC : Yes / No

Yuva



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G.K.ILANTHIRAIYAN, J.

Yuva

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