



WEB COPY



W.P.No.1201 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2025

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.1201 of 2025

V.Subramanian

...Petitioner

Vs.

1.The Revenue Divisional Officer
Thiruvannamalai District

2.The Tahsildar
Thiruvannamalai District

3.S.Santhi

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of Impugned proceedings in Moo. Mu. (A2) / 4236 / 2021 dated 17.11.2021 issued by the 1st respondent and quash the same and subsequently direct the 1st respondent to cancel the Legal heir certificate No TN-7202106112523 dated 24.06.2021 issued by the 2nd respondent.

For Petitioner

: Mr.S.Arun Kumar

For Respondents

: Mr.R.Neelakandan for R1 and R2
Additional Advocate General
assisted by Mr.V.Ramesh
Government Advocate



ORDER

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This writ petition is filed challenging the order passed by the 1st respondent deferring his decision on the appeal filed by the petitioner seeking cancellation of the legal heir certificate issued in favour of 3rd respondent mentioning her as wife of petitioner's brother namely Sundaravadanam.

2. Heard the learned counsel for the petitioner and Mr.R.Neelakandan, learned Additional Advocate General assisted by Mr.V.Ramesh, learned Government Advocate appearing for the respondents 1 and 2.

3. Since no adverse order is passed against the 3rd respondent, notice to 3rd respondent is dispensed with.

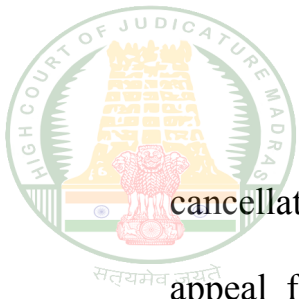
4. The petitioner's brother Sundaravadanam died on 14.05.2021. It is not in dispute that deceased person's first wife Sangeetha Lakshmi pre-deceased him. The 2nd respondent issued legal heir certificate in favour of 3rd respondent mentioning her as the second wife of the deceased. Aggrieved by the same, the



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petitioner submitted an application before the 2nd respondent on 30.06.2021 seeking cancellation of the legal heir certificate issued in favour of 3rd respondent on the ground that there was no marriage between the deceased and the 3rd respondent and therefore, she could not be treated as legally wedded wife. The said application was forwarded to the appellate authority namely the 1st respondent and the impugned order was passed by the 1st respondent deferring his decision mainly on the ground that guardian OP filed by the petitioner regarding the custody of the minor children of the 1st wife was pending in G.W.O.P.Sr.No.4435 of 2021 on the file of District Court, Tiruvallur.

5. Merely because the petitioner filed a guardian OP seeking guardianship of the minor children of the deceased person's first wife, the 1st respondent is not justified in deferring his decision in the appeal filed by the petitioner seeking cancellation of the legal heir certificate issued in favour of 3rd respondent. The 2nd respondent already issued a legal heir certificate in favour of 3rd respondent mentioning her as second wife of the deceased. Disputing the factum of marriage, the petitioner filed an appeal seeking



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cancellation of the legal heir certificate issued in favour of 3rd respondent. The appeal filed by the petitioner shall be disposed by the appellate authority namely 1st respondent in accordance with law after giving due opportunity to both the parties. Therefore, the impugned order passed by the 1st respondent is set aside and the matter is remanded back to the file of 1st respondent with direction to dispose of the appeal filed by the petitioner within a period of twelve weeks from the date of receipt of copy of this order after issuing necessary notice to the petitioner and the 3rd respondent.

6. With the above observations, this writ petition stands allowed. No costs.

21.01.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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S.SOUNTHAR, J.
nr

To
1.The Revenue Divisional Officer
Thiruvannamalai District
2.The Tahsildar
Thiruvannamalai District

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