



W.P.No.5739 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 19.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

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MOHANASUNDARI @ MOHANAPRIYA

... Petitioner

Vs

1. THE DISTRICT COLLECTOR
CHENNAI DISTRICT,
SINGARAVELAR MALIGAI,
RAJAJI SALAI, CHENNAI - 600 001.

2. THE THASILDAR
AMINJIKARAI TALUK,
GAJALAKSHMI COLONY,
1ST STREET, SENOY NAGAR,
CHENNAI - 600 030.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, to direct the second respondent to issue legal heir certificate on petitioner's representation dated 24.01.2025.

For Petitioner	: Ms.R.Anu Priyanga
For R1 & R2	: Mr.R.Neelakandan Additional Advocate General Assisted by Mr.R.Murthi Government Advocate



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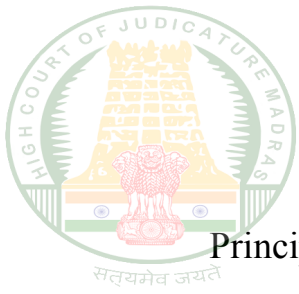
ORDER

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The writ petition has been filed with a prayer for a writ of mandamus directing the second respondent to issue a legal heirship certificate based on the petitioner's representation dated 24.01.2025.

2. The case of the petitioner is that her husband, *Mr. T. Senthil Kumar*, was working as a Sub Inspector of Police under the Government of Tamil Nadu. Unfortunately, he passed away in a train accident on 01.11.2024. Afterward, when the petitioner approached the authorities for the grant of a legal heir certificate, including her name as a legal heir, the authorities have not complied with the request. The authorities are stating that there is already a divorce decree working against the petitioner and therefore, are not granting the legal heirship certificate.

3. According to the learned counsel for the petitioner, it is true that, originally, due to marital discord, *Mr. T. Senthil Kumar*, the petitioner's husband, had filed O.P. No. 1361 of 2013 before the First Additional



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Principal Family Court, Chennai. An ex-parte decree was passed.

Subsequently, the petitioner filed I.A. No. 306 of 2015 to set aside the ex-parte decree. However, when the matter came up for hearing on 20.11.2017, *Mr.T.Senthil Kumar* was absent and the petitioner was present in Court. Instead of setting aside the ex-parte decree and allowing the I.A., an erroneous order was passed, showing *Mr.T.Senthil Kumar* as the petitioner in the I.A. and dismissing the petition for default. As a matter of fact, the petitioner has been approaching the concerned court to rectify this error.

4. The fact that the Original Petition No. 886 of 2019 for restitution of conjugal rights was allowed by the Third Additional Principal Judge and the subsequent maintenance petition filed in M.C. No. 365 of 2014 was also allowed on 01.02.2020, would itself demonstrate that a relationship of husband and wife existed between the petitioner and the deceased *Mr.T. Senthil Kumar*. Therefore, the petitioner submits that, notwithstanding the divorce decree, the authorities should include the petitioner's name in the legal heirship certificate.



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5. I have considered the rival submissions made on either side and also perused the material records of the case.

6. The matter concerning marital status, if there is a declaration by the competent Court, is deemed to be a judgment in rem and will be binding on all authorities. Therefore, even if an error was committed while passing an order on the interlocutory application, it is for the petitioner to make the necessary application before the concerned Court to correct the error. Unless the decree is formally set aside by the concerned Court, the declaration already granted in O.P. No. 1361 of 2013 will be binding on all parties. Hence, it is for the petitioner to file such an application before the concerned Court to get the matter clarified. Until the matter is clarified by the appropriate Court, this Court cannot, at this juncture, direct the respondents to include the petitioner's name in the legal heirship certificate.

7. In view thereof, this writ petition is disposed of. No costs.

19.02.2025

Neutral Citation: Yes/No
nsl



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