



W.P.No.12038 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 04.04.2025

CORAM:

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

W.P.No.12038 of 2025

and

W.M.P.No.13614 of 2025

K.BRINDA

... Petitioner

Vs

1. THE TAHSILDAR,
POONAMALLE TALUK,
NO. 5 TRUNK ROAD,
POONAMALLE,
CHENNAI - 600 056.

2. KALAVATHY

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records in Na.Ka.No.2798/2024/A4 dated 14.11.2024 issued by the Tahsildar, Poonamallee, the first respondent herein rejecting the request of the petitioner to issue legal heir certificate and to quash the same and to direct the first respondent to issue the legal heir certificate of the deceased Mr.Thiruvengadam (Husband of the petitioner) stating the petitioner (wife) as the legal Heir of the deceased Mr.Thiruvengadam within a short time that may be fixed by this Court.



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For Petitioner : Ms.G.Sridevi
For R1 : Mr.R.Neelakandan
Additional Advocate General - VIII
assisted by Dr.S.Suriya,
Additional Government Pleader

ORDER

This writ petition is filed with a prayer to call for the record in respect of the order in Na.Ka.No.2798/2024/A4 dated 14.11.2024 issued by the first respondent.

2. By the said impugned order, the prayer of the petitioner for issuing legal heirship certificates has been rejected. On a perusal of the impugned order, it can be seen that it is rejected on the ground that the deceased person had three wives and the parties have to approach the Civil Court.

3. The learned counsel appearing for the petitioner would submit that with reference to the payment of pension, when a dispute had already been raised, the parties have approached the jurisdictional family Court and the Third Additional Family Court, Chennai, by a decree dated 22.03.2011 in O.S. No.266 of 2010, passed orders declaring that the plaintiff therein, namely K.Brinda (the petitioner herein), is the legally wedded wife. In view thereof,



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the respondents are not justified in passing the impugned order.

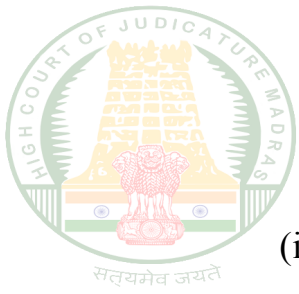
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4. The learned Additional Advocate General appearing on behalf of the first respondent would submit that there is no quarrel with reference to the declaration that the petitioner is the only legally wedded wife. However, the particulars with reference to the children born through the petitioner as well as the other wives were not furnished to the respondents and therefore, the impugned order was passed.

5. In reply, the learned counsel appearing for the petitioner would submit that even the death certificate of the second wife has been produced and there are no children born through the second wife.

6. In view thereof, this writ petition is disposed of on the following terms:-

(ii) The impugned order made in Na.Ka.No.2798/2024/A4 dated 14.11.2024 shall stand set aside and the application made by the petitioner is restored to the file of the first respondent.



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(ii) The first respondent shall conduct an inquiry by issuing notice to the petitioner as well as any other interested person. The name of the petitioner shall be mentioned as the wife in the legal heirship certificate. With reference to the children born through all three wives, they are entitled to be mentioned in the legal heirship certificate.

(iii) It is stated by the learned counsel appearing for the petitioner that the second wife has since died and no children were born to her and there are no children born through the petitioner also. It is stated that there are children born to the third wife, who is the second respondent herein. Therefore, notice shall also be issued to the second respondent and the children born through her. After an inquiry, by including appropriate persons, the legal heirship certificate shall be issued.

(iv) The aforesaid exercise shall be completed within a period of twelve weeks from the date of receipt of the web copy of the order without waiting for the certified copy of the order. Consequently, connected miscellaneous petition is closed. No costs.

04.04.2025

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Neutral Citation: Yes/No
nsl



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D.BHARATHA CHAKRAVARTHY, J.

nsI

To
THE TAHSILDAR,
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CHENNAI - 600 056.

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