



WEB COPY

WP No. 34569 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-09-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 34569 of 2025

MYLATHAL

Petitioner(s)

Vs

1. The Revenue Divisional Officer
O/o. The Revenue Divisional Office,
Pollachi Dharapuram Main Road,
Dharapuram, Tiruppur District.

2. The Tahsildar
Kangeyam Taluk Office, Kangeyam
Circle, Tiruppur District.

3. DURAISAMY

Respondents

PRAYER

The Writ Petition is filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records in connection with impugned order bearing Na.Ka.No.483/2025/E dated 21.05.2025 passed by the 1st respondent confirming the order in Na.Ka.No.3037/2024/A4 dated 02.12.2024 passed by the 2nd Respondent and quash the same and consequently direct the Respondents 1 and 2 to issue legal heir certificate to petitioner.



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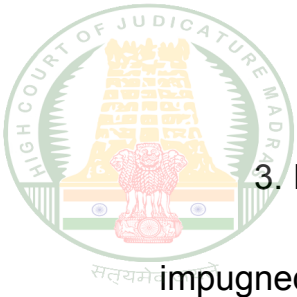
For Petitioner: Mr.R.Sankarasubbu

For Respondents: Mrs.S.Anitha for R1 and R2
Special Government Pleader

ORDER

This petition is filed to call for the records in connection with impugned order bearing Na.Ka.No.483/2025/E dated 21.05.2025 passed by the 1st respondent confirming the order in Na.Ka.No.3037/2024/A4 dated 02.12.2024 passed by the 2nd Respondent and quash the same and consequently direct the Respondents 1 and 2 to issue legal heir certificate to petitioner.

2. The case of the petitioner is that the petitioner is the wife of one Thirumurthy and the petitioner's husband died on 10.04.2014. The petitioner made a representation along with relevant documents through online on 17.10.2024 to the 2nd respondent for issuance of legal heir certificate and the same was rejected on 02.12.2024, challenging the same, the petitioner preferred an appeal before the 1st respondent and the same was also rejected on 21.05.2025. Aggrieved by the same, the petitioner preferred the present Writ Petition.



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3. Learned counsel appearing for the petitioner submits that the present impugned order has been passed merely relying on the order passed by the Courts in the earlier suit in O.S. No.196/1986 on the file of the learned District Munsif, Kangeyam, which has been confirmed in appeal as well as in second appeal by this Court. However, a fresh suit has been filed by the petitioner on 26.8.2025 in CFR No.2329/2025 before the learned District Munsif, Kangeyam to declare the judgment and decree dated 7.10.1987 passed in O.S. No.196/1986 as null and void, but the said suit was returned on the ground of limitation on 26.8.2025. It is the stand of the learned counsel that the decree in the earlier suit is not binding on the petitioner herein as it had been filed by persons, who are not empowered to act on behalf of the husband of the petitioner. However, without appreciating the aforesaid fact, the suit filed by the petitioner has been returned on the ground of limitation and, therefore, it is pleaded that the court below may be directed to take the suit on file and decide the same on merits.

4. Learned Special Government Pleader appearing for respondents has no quarrel as the respondents are in no way connected with the suit and it is



for the petitioner herein to establish her status as wife before the appropriate civil court.

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5. In view of the stand taken by the learned counsel appearing on either side, this Court, without interfering with the order impugned herein, permits the petitioner to represent the suit, which was filed in CFR No.2329/2025 before the learned District Munsif Court, Kangeyam, along with all relevant documents to establish that the petitioner is the legally wedded wife of Thirumoorthy and on the suit being represented along with the aforesaid documents, the court below shall number the suit, if it is otherwise in order without raising the issue of limitation and decide the suit in accordance with law.

Accordingly, the present Writ Petition is disposed of. No costs.

15-09-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

ssd



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To

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O/o. The Revenue Divisional Office,
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2. The Tahsildar
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M.DHANDAPANI J.

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