



W.P.No.455 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.455 of 2025 and
WMP No.531 of 2025

Rani Padmini

...Petitioner

Vs

1. District Revenue Officer, Thiruvarur,
South Madavilagam, Vasan Nagar,
Madappuram, Papanasam,
Thiruvarur, Tamil Nadu 614 205.
2. Revenue Divisional Officer, Mannargudi
South Madavilagam, Vasan Nagar,
Madappuram, Papanasam,
Thiruvarur, Tamil Nadu 614 205.
3. The Tahsildar, Thiruthuraipoondi,
Kutchery Road, Thiruthuraipoondi Town,
Thiruthuraipoondi 614 713.
4. Meenakshi

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India seeking issuance of Writ of Certiorarified Mandamus calling for the records pertaining to proceedings Mu.Mu.18370/2022U-2 dated 24.03.2023 issued by the first respondent and to quash the same and to



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direct the third respondent to restore the legal heirship certificate in Pa.Mu.No.1798/2018/A2 dated 17.05.2018 issued by the third respondent.

For Petitioner : Mr.B.Ravi

For Respondents : Mr. R.Neelakandan, Addl. Adv.General
Assisted by
Mr.S.Balamurugan, Govt. Advocate
for respondents 1 to 3.

ORDER

This writ petition is filed challenging the order passed by the first respondent, directing the third respondent to issue legal heirs certificate in favour of the fourth respondent recording her name as sole heir of the deceased Swaminathan.

2. It is the case of the petitioner that she married the deceased on 19.08.1998. Subsequently, the deceased obtained exparte decree of divorce against the petitioner in HMOP No.50/2006, on the file of Sub Court, Mannargudi, dated 20.07.2007. The husband of the petitioner died on 06.03.2018 and thereafter, the petitioner applied for issuance of legal heirs certificate and the third respondent issued legal heirs certificate in the name of the petitioner and the fourth respondent,



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mother of deceased. Aggrieved by the same, the fourth respondent filed an appeal before the second respondent and the same was allowed and the legal heirs certificate was issued in favour of the fourth respondent alone on the basis of the exparte decree of divorce obtained by the deceased. Aggrieved by the same, the petitioner preferred a revision before the first respondent and the same was dismissed by the impugned order on the ground that the petitioner failed to produce any document to prove that she preferred any appeal challenging the exparte decree of divorce. Assailing the above order, the petitioner has come before this court.

3. The learned counsel for the petitioner submits that the petitioner already filed a petition to set aside the exparte decree of divorce along with condone delay petition in I.A.No.51 of 2017 in HMOP No.50/2006 on the file of Sub Court, Mannargudi, now renumbered as I.A.No.182 of 2021 on the file of Sub Court, Mannarkudi. The learned counsel further submits that the petition filed by the petitioner to condone the delay in filing the petition to set aside the exparte decree of divorce is pending. However, the first respondent



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issued a direction to the third respondent to issue legal heirs certificate in the name of the fourth respondent. Hence, he seeks to set aside the order passed by the first respondent.

4. Mr. R.Neelakandan, learned Additional Advocate General, assisted by Mr.S.Balamurugan, learned Government Advocate takes notice for the respondents 1 to 3.

5. A perusal of the affidavit filed in support of the writ petition and also the documents filed in the typed set of papers would establish that the deceased obtained decree of divorce against the petitioner in HMOP No.50 of 2006 on the file of Sub Court, Mannargudi. The said exparte decree was passed on 20.07.2007. The petitioner filed a petition to set aside the exparte decree along with the petition to condone the delay of 3618 days in filing the said petition and the same is still pending on the file of Sub Court, Mannargudi in I.A.No.182 of 2021.

6. Merely because a petition to condone the delay in filing the petition to set aside the exparte decree is pending, this court cannot



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interfere with the order passed by the first respondent. The exparte decree was passed on 20.07.2007 itself and the petitioner filed the petition with condone delay only on 14.02.2017. In such circumstances, this court is not inclined to interfere with the order passed by the first respondent. However, it is made clear that in case, the petition filed by the petitioner seeking to set aside the exparte decree is allowed, it is open to the petitioner to approach the first respondent seeking necessary modification in the legal heirs certificate.

7. With the above clarification, this writ petition is disposed. There shall be no order as to costs. Connected miscellaneous petition is closed.

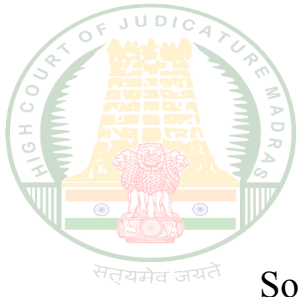
09.01.2025

Index:Yes/No
Internet:Yes/No
mst

To

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South Madavilagam, Vasan Nagar,
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Thiruvarur, Tamil Nadu 614 205.

2. Revenue Divisional Officer, Mannargudi



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S.SOUNTHAR, J.

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