



Writ Petition No.133 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

WEB COPY

**DATED 04.07.2025**

**CORAM**

**THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH**

**Writ Petition No.133 of 2025**

Almas Begum

W/o.(Late)Mr.Mohamed Ajaz Ullah

..Petitioner

Vs.

1.The District Collector,  
O/o.The Collectorate, Chennai,  
Rajaji Salai, Fourth Floor,  
62, Beach Road, George Town,  
Chennai - 600 001.

2.The Tahsildar,  
Purasaiwakkam,  
Perambur Taluk, Perambur,  
Chennai - 600 011.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the second respondent to consider the representation dated 19.11.2024 and issue the legal heir certificate by declaring the petitioner and Mrs.Ameena Thaqhiya as spouses and our children the legal heirs in accordance to G.O.(Ms) No.110 dated 13.03.2024 within the time frame fixed by this Court.



WEB COPY



Writ Petition No.133 of 2025

For Petitioner : Mr.M.Rajeswaran  
for M/s.Nathan and Associates

For Respondents : Mr.R.Neelakandan,  
Additional Advocate General  
assisted by Mr.T.M.Rajangam,  
Government Advocate

\*\*\*\*\*

### **ORDER**

This writ petition has been filed seeking issuance of a writ of mandamus directing the second respondent to deal with the representation made by the petitioner on 19.11.2024 wherein the petitioner has sought for issuance of legal heirship certificate in line with G.O.(Ms) No.110 dated 13.03.2024.

2. Heard Mr.M.Rajeswaran, learned counsel for petitioner and Mr.R.Neelakandan, learned Additional Advocate General assisted by Mr.T.M.Rajangam, learned Government Advocate appearing for respondents.

3. The case of the petitioner is that she was married to late Mr.Mohamed Ajaz Ullah and out of this wedlock, three children were born. Later, after getting consent of the petitioner, her husband married Ameena Thaqiya. Out of this marriage, they were blessed with two children. The



Writ Petition No.133 of 2025

petitioner's husband died on 24.04.2021 leaving behind the petitioner and the three children born to her and also the second wife, who gave birth for two children. An application was submitted for legal heirship certificate. However, the same was not considered by the second respondent on the ground that the legal heirship certificate will not be granted in the name of the second wife. Aggrieved by the same, the present writ petition has been filed before this Court.

4. In the considered view of this Court, the Muslim Personal Law does not bar the husband contracting a second marriage even during the subsistence of the first marriage. Even in G.O.(Ms) No.110 dated 13.03.2024, it has been specifically stated under Clause I(B)(ii) that if more than one spouse is permissible under the personal law, the same can be mentioned and it can be acted upon.

5. The second respondent seems to have applied the very same yardstick that is applied to a Hindu marriage and assumed that there is a bar for the second marriage when the petitioner is actually governed by Muslim



Writ Petition No.133 of 2025

Personal Law.

WEB COPY

6. In the light of the above discussion, there shall be a direction to the petitioner to submit a fresh application before the second respondent by including the name of the petitioner, three children born to the petitioner, the name of the second wife and two children born to the second wife and on receipt of the application, the second respondent is directed to issue legal heirship certificate within a period of four (4) weeks from the date of receipt of a copy of this order without reference to the previous rejection order passed on 14.02.2024, which was decided prior to the revised guidelines.

This writ petition is disposed of with the above direction. No costs.

**04.07.2025**

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

gm



Writ Petition No.133 of 2025

WEB COPY

To

1.The District Collector,  
O/o.The Collectorate, Chennai,  
Rajaji Salai, Fourth Floor,  
62, Beach Road, George Town,  
Chennai - 600 001.

2.The Tahsildar,  
Purasaiwakkam,  
Perambur Taluk, Perambur,  
Chennai - 600 011.



WEB COPY



Writ Petition No.133 of 2025

**N. ANAND VENKATESH, J.**

gm

**Writ Petition No.133 of 2025**

**04.07.2025**