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W.P.No.1182 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2025

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.1182 of 2025

M.Eswari

...Petitioner

Vs.

1.The Tahsildar

Taluk Office,

Perambur Taluk , Perambur High Road, Chennai- 011

2.V.Balaji

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 1st Respondent to issue Legal Heir Certificate based on the Application No.TN- 7202404231219 dated on 23.04.2024 without including the 2nd Respondent's name.

For Petitioner

: Mr.M.Mohamed Yussuf
for M/s.A.Madhumathi

For Respondents

: Mr.R.Neelakandan for R1
Additional Advocate General
assisted by Mr.S.Balamurugan
Government Advocate



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ORDER

The writ petition is filed seeking a direction to 1st respondent to issue Legal Heir Certificate based on the Application of the petitioner in Application No.TN- 7202404231219 dated 23.04.2024 without including the name of the 2nd respondent.

2. It is not in dispute that petitioner's deceased daughter married 2nd respondent and thereafter, he filed an application for divorce and during the pendency of the divorce application, she died. As a consequence, the divorce application filed by the 2nd respondent was dismissed. Therefore, the marriage between the deceased and the 2nd respondent has not been annulled in the manner known to law by the Court of competent jurisdiction. In these circumstances, the petitioner is not entitled to insist that in the legal heir certificate of her daughter, the 1st respondent shall not include the name of the 2nd respondent, who is the husband of the deceased. Further, it is also brought to the notice of this Court by the learned Additional Advocate General appearing for the 1st respondent that application of the petitioner was rejected



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by the 1st respondent for petitioner's failure to give the details of the 2nd respondent in her application. After rejection of the application, the petitioner is not entitled to maintain a writ of mandamus and if at all she is aggrieved by the order of rejection, it is for her to file an appeal before the competent authority. Therefore, the writ petition stands dismissed. No costs.

21.01.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

The Tahsildar
Taluk Office,
Perambur Taluk , Perambur High Road,
Chennai- 011

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S.SOUNTHAR, J.

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