



W.P.(MD).No.422 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.422 of 2025

and

W.M.P.(MD)No.274 of 2025

K.Chinnadurai

... Petitioner

Vs.

The Tahsildar,
Office of Tahsildar,
Vadipatti Taluk, Madurai District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records of the impugned order in Transaction Reference No.TNCIT000000011180264 dated Nil passed by the respondent and quash the same as illegal and consequently direct the respondent to issue legal heir certificate to the petitioner and other legal heirs of Gundumalai within the time stipulated by this Court.

For Petitioner : Mr.R.Manoharan

For Respondent : Mr.D.S.Neduncheliyan,
Government Advocate



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ORDER

By consent of both the parties, this writ petition is taken up for final hearing at the admission stage itself.

2.Heard the learned counsels on either sides and carefully perused the materials available on record.

3.Challenging the rejection order dated nil, in an application for issuing a legal heir certificate made by the petitioner on 27.11.2024, this writ petition is filed.

4.It is interesting to find that the rejection order is passed on the ground that the deceased father of the petitioner had two wives. A similar matter was already dealt with by this Court in W.P.No.8256 of 2022 dated 11.10.2022 and a favourable order was passed in the said case to the petitioner therein and the relevant portion of the same is extracted as follows:

7.As has been rightly pointed out by the learned counsel appearing for the petitioner that, the petitioner being the second wife may not be entitled to get legal heir certificate in her name or



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including her name, but so far as the child is concerned, i.e., the fifth respondent, she is entitled to get inclusion in the legal heir certificate to be issued in the name of the deceased Ramar, who is the husband of the petitioner by including the first wife and the other children of the deceased. In this context, clause (7) of the Government Order referred to above, makes it very clear that, if he is a married person, the legal heir certificate would be issued including father, mother, spouse, sons and daughters of the deceased person. In the category of sons and daughters, all the sons and daughters of the deceased person have to be included as legal heir. Therefore, there could be no impediment for the first respondent to revisit the rejection order made by him, which is impugned herein and to pass a fresh order as per the G.O.(Ms).No.478, dated 29.09.2022.

5.In the instant case, the applicant is the son of the deceased, namely, one Gundumalai. Though the deceased Gundumalai had two wives, namely, Pachaiyammal and Ramuthai and was survived by four children through his 1st wife and five children through his second wife. The ground on which the application for legal heir certificate came to be rejected was that the deceased had two wives. But the applicant is one of the sons of the deceased Gundumalai.

6.In view of the same, the impugned rejection order is hereby set aside and remanded back to the file of the respondent with a direction to issue a



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legal heir certificate to the petitioner incorporating the names of the 1st wife, names of the children of the 1st wife and 2nd wife of the deceased. It is brought to the notice of this Court that the 2nd wife, namely, Ramuthai, is no more. Even if the 2nd wife is alive, excluding the name of the 2nd wife, the Tahsildar is entitled to issue a legal heir certificate incorporating the name of the 1st wife, children of the 1st wife and the children of the 2nd wife.

7. With the above observations, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

08.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

The Tahsildar,
Office of Tahsildar,
Vadipatti Taluk,
Madurai District.



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L.VICTORIA GOWRI, J.

Sml

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