



W.P.(MD) No.3480 of 2025

WEB COPIED BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.3480 of 2025

P.Kombaiah

... Petitioner

Vs

The Tahsildar,
Office of the Aruppukottai Taluk Office,
Aruppukottai,
Virudhunagar District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings issued by the respondent in O.Mu.2982/2024/AA4 dated 18.07.2024 and quash the same as illegal and consequently directing the respondent to issue the Certificate stating that Mary D/o.Karuppasamy is the wife of Kombaiah petitioner only.

For Petitioner

: M/s.A.S.rajeswari

For Respondents

: Mr.S.Shaji Bino

Special Government Pleader



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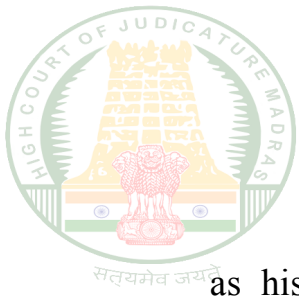
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ORDER

This writ petition has been filed challenging the order passed by the respondent dated 18.07.2024 and consequently, direct the respondent to issue certificate stating that Mary is the wife of the petitioner.

2. The petitioner was formerly in the police service and he had retired from service as a Sub Inspector of Police on 31.03.2024. According to him, his wife's name is officially 'Mary'. However, she is known as 'Muthulakshmi'. The name 'Mary' was given to her by her parents after she was born, since they considered it as an answer to their prayers in a church.

3. The petitioner states that in all the official records, namely school certificates, family card, Voter ID, PAN Card, Aadhar Card etc., his wife's name has only been given as 'Mary'. The petitioner, when he submitted his service particulars to the Government, had declared his wife's name as 'Muthulakshmi' instead of giving it as 'Mary'. Even in his retirement papers, he has shown her name as 'Mary'. He apprehends that



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as his wife's name is mentioned as Muthulakshmi, she will not get retirement benefits. Hence, he approached the respondent for a certificate to state that 'Mary' and 'Muthulakshmi' are one and the same person. The Tahsildar, Aruppukottai has rejected the request stating that he does not possess such powers. Hence, the present writ petition.

4. I heard, Mrs.A.S.Rajeswari, learned Counsel for the petitioner and Mr.S.Shaji Bino, learned Special Government Pleader for the respondent.

5. The Tahsildar is not entitled to give certificates in the nature as sought for by the petitioner. Whether 'Mary' and 'Muthulakshmi' are one and the same or whether they are different persons, is a matter, which requires evidence. As there are several names for the petitioner's wife, the appropriate remedy for the petitioner is to approach the jurisdictional civil Court by filing a suit for declaration to declare that 'Mary' and 'Muthulakshmi' are one and the same person. This would be covered under section 34 of the Specific Relief Act of 1963. The power is exercisable only by the civil Court and not by the Tahsildar.



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6. In the light of the above discussions, leaving it open to the petitioner to approach the jurisdictional Civil Court.

7. With the above said observations, this writ petition is dismissed.

No costs.

25.02.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes
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To

The Tahsildar,
Office of the Aruppukottai Taluk Office,
Aruppukottai,
Virudhunagar District.



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V. LAKSHMINARAYANAN, J.

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