



WEB COPY

WP No. 5321 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

**WP No. 5321 of 2026
and WMP No 5828 of 2026**

1. Murugaiyan
S/o. Rangasamy Gounder,
Door No.66/34, Majarasokumaripalayam,
Chinnaripaayam Village,
Nambiyur, Erode District -638 456
2. Devi
W/o. Thangaraj
Door No.44, Puliampallayam,
Thalkuni Village, Kolappalur,
Nambiyur Taluk, Erode District -638 456

..Petitioner(s)

Vs

1. The Revenue Divisional Officer
Gobichettipalayam.
2. The Tasildar
Nambiyur
Erode District -638 456

..Respondent(s)

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus to call for the records relating to the impugned memorandum passed by the 2nd Respondent in No.Na.Ka.1351/2025/Aa1 dated 06.10.2025 and quash the same and consequently directing the respondents to issue legal heirs certificate to petitioners in pursuant to the Judgment of Decree of the Hon'ble Principal District Munsif Gobichettipalayam in O.S. No.123/2020 dated 07.04.2025.



For Petitioner(s):

M/s.L.P.Shanmugasundaram

For Respondent(s):

Mr.S.Rajesh, Government Advocate

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ORDER

The petitioner seeks to quash the impugned order dated 06.10.2025 in Na.Ka.No.1351/2025/Aa1 and direct the respondents to issue legal heirs certificate to the petitioners pursuant to the judgment and decree of the Hon'ble Principal District Munsif, Gobichettipalayam, in O.S.No.123 of 2020.

2.The short facts of the case are as follows.

2.1.The subject matter of the writ petition relates to the legal heir certificate of one Nachiyammal. Nachiyammal was married to one Perumal Gounder. They were issueless. The father of Perumal Gounder and the father of the petitioners are brothers ie., the petitioners are none other than the cousins of Perumal Gounder. Perumal Gounder had a sister Periammal who died on 07.03.1975 issueless. As such, the petitioners are the only legal heirs of Perumal Gounder and Nachiyammal. Perumal Gounder went missing from 05.12.1969 and Nachiyammal passed away only on 14.08.2019 after an illness. Throughout her lifetime, she had taken all steps to ascertain the whereabouts of her husband by making the complaints to the police as well as to the Village Administrative Officer.



2.2. After the death of Nachiyammal, in order to look after the properties that have been left by Nachiyammal, the petitioners gave a representation to the Village Administrative Officer who had sent a report on 21.05.2020. They had also registered a complaint in Siruvallur Police Station and obtained a CSR No.54 of 2020 regarding the missing Perumal Gounder. This case was closed as non traceable and a report to this effect was given on 19.06.2020 by the police. The petitioners would submit that therefore, they are the only legal heirs of the said Perumal Gounder as well as his wife Nachiyammal as per Hindu Succession Act and it was the petitioners who were taking care of Nachiyammal during her lifetime. The petitioners would submit that they had tried to get legal heir certificate from the respondents but, they were instructed by the respondents to get a decree from the Civil Court.

2.3. Therefore, the petitioners had filed an O.S.No.123 of 2020 before the Hon'ble Principal District Munsif, Gobichettipalayam, for declaration of the civil death of the Perumal Gounder and issue legal heirs certificate in respect of Perumal Gounder declaring that the petitioners are the only second class legal heirs of the said Perumal Gounder and for a mandatory injunction directing the second respondent to issue a legal heirs certificate in favour of the petitioners in respect of Perumal Gounder who had gone missing from 05.12.1969. The District Collector, Erode and the Tahsildar, Nambiyur who is the second respondent herein were the defendants in the said suit.



2.4. After contest, the suit was decreed and the respondents were directed to issue legal heirs certificate. However, when the respondents were directed to comply with the judgment and decree of the Civil Court, they have passed the impugned order. Challenging the same, the petitioner is before this Court.

2.5. The request has been rejected on the ground that the legal heirs certificate can only be issued in favour of the parents and the siblings and that it cannot be granted to the petitioners who are the children of the said Perumal Gounder's junior paternal uncle.

2.6. The learned Government Advocate would submit that the second respondent herein is contemplated to file an appeal against the decree in the said suit in O.S.No.123 of 2020 and that apart, as per the Circular No.9, Revenue Administration dated 24.09.2019 bearing Rc.No.RA.5(3)/180/2017, which clearly stated that the Tahsildar does not have any authority to issue a legal heir certificate.

3. Heard the learned counsel on either side and perused the materials on record.

4. Even as per the Circular which is relied by the learned Government Advocate, it is clearly stated that the Tahsildar is not competent to issue legal



heir certificate in respect of six cases and fifth of such cases is that of a person who is treated as dead (a person who is missing for a period of 7 years or staying away from the family). However, the circular clearly states as follows:

“In the above said cases, as and when the applicant seeks legal heir certificate from Tahsildars, they may be directed to approach the competent Civil Court”

5.From a reading of the plaint in O.S.No.123 of 2020 wherein the second respondent herein has been arrayed as the second defendant, it is clear that the petitioners have set out in detail how they have to be treated as the Class II legal heirs of the said Perumal Gounder. In the said plaint, the petitioners have stated as follows:

“9.மேலும், பெருமாள்கவுண்டர் என்பவர் காணாமல் போய் சுமார் 51 ஆண்டுகள் ஆகிவிட்டபடியால் அவர் உரிமையியில் இறப்பு (Civil Death) அடைந்து விட்டார் என்றும், கடந்த 05.12.1969ம் தேதியன்று காணாமல்போன பெருமாள்கவுண்டருக்கு வாதிகள் இருவர் மட்டுமே சட்டப்படியான இரண்டாம்நிலை வாரிசுகள் என்றும் ஒரு விளம்புகை பரிகாரம் வழங்கியும், மேற்கண்ட பரிகாரத்தின் படி 2ம் பிரதிவாதியானவர் காணாமல் போன பெருமாள்கவுண்டருக்கு வாதிகள் மட்டுமே சட்டப்படியான இரண்டாம்நிலை வாரிசுகள் என வாரிசு சான்று வழங்கும் படி ஒரு செயலுறுத்துக் கட்டளை பரிகாரம் வழங்கி தூர்ப்பு மற்றும் தூர்ப்பாணை வழங்க வேண்டியது மிகவும் அவசியம்.”

It is pursuant to this direction that the petitioners have approached the Civil Court and the Court after contesting the suit, decreed the suit by the judgment and decree dated 07.04.2025. Nowhere in their written statement,



have the respondents taken out the contention that the it is only the parents and siblings of the deceased Perumal Gounder who alone can be treated as the legal heirs. Further, the Civil Court has passed the mandatory injunction directing the second respondent to issue the legal heirs certificate and the respondent is bound to comply with the decree of the Civil Court. Even the circular which has been relied upon by the respondents clearly implies that the Tahsildar is bound by the judgment and decree of the Civil Court.

6.The argument that the petitioners has an alternate remedy cannot be countenanced for a simple reason that the Civil Court has granted the decree to the petitioners and the respondents are duty bound to comply with the said decree. It is rather surprising that a defense has been taken that the respondents are seeking to challenge the decree of the Civil Court that too one which is obtained on their directions.

7.Therefore, the impugned order cannot be sustained and accordingly, the impugned order is set aside and the writ petition is allowed and the second respondent is directed to issue legal heirship certificate on the basis of the judgment and decree in O.S.No.123 of 2020 within a period of four weeks from the date of receipt of a copy of this order. If the orders are not complied with, then it is also well open to the petitioner to enforce the decree that they had obtained in the civil Court.



With the above directions, the writ petition is allowed. Consequently,
connected miscellaneous petition stands closed. No costs.

17-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
ssa

To
1.The Revenue Divisional Officer
Gobichettipalayam.

2.The Tasildar
Nambiyur
Erode District -638 456



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