



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 9443 of 2026

Eswari

Petitioner(s)

Vs

1. The District collector
District Collector office,
Palayapalayam, Opp. District court,
Erode-638 011

2.The District Revenue officer
District Collector office,
Palayapalayam, Opp. District court,
Erode-638 011

3.The Revenue Divisional Officer
Revenue Divisional Office,
Chidambaram Colony, Erode-638 001

4.The Tahsildar
Erode Taluk office Panner Selvam Park,
Erode-638 011

5.K.Devaraj

Respondent(s)

PRAYER: Petition filed under Article 226 of Constitution of India, directing the respondents to cancel the already issued legal heir certificate dated 10.01.2020 of the petitioner deceased elder brother K.Durairaj and then conduct proper enquiry to all related persons and then include petitioner name also in his Legal Heir Certificate and also considering the representation letter dated 25.11.2025

For Petitioner(s): Mr.M.Abivarthan

For Respondent: Mrs.V.Yamunadevi for R1 to R4
Special Government Pleader

ORDER

By consent of both parties, this writ petition is taken up for final disposal



at the admission stage itself. Since no adverse order is passed against the fifth respondent, notice to the fifth respondent is dispensed with.

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2. This petition has been filed for a direction, directing the respondents to cancel the legal heir certificate dated 10.01.2020 of the petitioner's deceased elder brother K.Durairaj and then conduct proper enquiry to all related persons and include petitioner name in the legal heir certificate by considering the representation of the petitioner dated 25.11.2025.

3. It is the case of the petitioner that the petitioner is the sister of the deceased Durairaj. The said Durairaj died on 25.04.2016 without any class-I legal heirs. The petitioner's brother namely K.Devaraj had made an application for issuance of legal heir certificate of Durairaj to the fifth respondent's children, who were adopted by the deceased Durairaj vide Doc.No.1582 of 2008 dated 24.11.2008 and the legal heir certificate is also issued in their name on the strength of the order made in WP.No.42244 of 2016 vide order dated 24.10.2019. This petition is filed to cancel the legal heir certificate and for issuance of legal heir certificate including the petitioner's name on the ground that without hearing the petitioner, legal heir certificate is issued in the name of the fifth respondent's children. Hence, this petition.

4. The learned counsel for the petitioner submitted that this Court vide



order dated 24.10.2019 in WP.No.42244 of 2016 has directed the Tahsildar to conduct enquiry after giving opportunity to the petitioner as well as the objectors, however, without giving opportunity to the petitioner, the legal heirship certificate has been issued in favour of the children of the deceased fifth respondent.

5. Per contra, the learned Special Government Pleader submitted that the Tahsildar has conducted proper enquiry and issued the legal heirship certificate in favour of the children of the deceased 5th respondent on the basis of adoption deed said to have been executed between the deceased and the fifth respondent. If at all, there is any grievance for the petitioner, the petitioner has to work out her remedy in the manner known to law by approaching the competent civil court not by way of filing this writ petition.

6. Heard both sides and perused the materials placed on record.

7. Considering the facts and circumstances of the case, as rightly pointed out by the learned Special Government Pleader, when there is disputed question of facts, this Court cannot conduct roving enquiry in deciding the issue. The petitioner has to necessarily approach the competent civil court in the manner known to law. Accordingly, this writ petition stands dismissed with a liberty to



the petitioner to work out her remedy before the competent civil court. No costs.

It is made clear that if any suit is filed by the petitioner, the Trial Court shall consider the issue without influencing the order of this Court.

11-03-2026

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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M.DHANDAPANI J.

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