



WEB COPY

WP No. 1371 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-02-2026

CORAM

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

WP No. 1371 of 2026

AND

WMP Nos. 1527 & 1528 of 2026

1. Banumathi
D/O.Govindasamy
W/o.Gopal
No.14, Azhagu Perumal Kovil street,
Pichanur, Gudiyatham
Vellore.
2. Indumathi
D/o.Govindasamy
W/o.Gopalappa
No.40/12B,Machinayakanapalli,
Panchakshipuram,
Krishnagiri-635 110.
3. Santhimathi
D/o.Govindasamy,
W/o.Sekar
No.25, Yarab Road,
Kilkottai, Denkanikottai,
Krishnagiri-635 107.

..Petitioner(s)

Vs

1. The District Collector
Krishnagiri -635 001.
2. The Sub Collector
Hosur, Krishnagiri District - 635 109.



3. The Tahsildar
Denkanikottai,
Krishnagiri District-635 107.

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..Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records on the file of the 3rd respondent pertaining to rejection order dated NIL made under Application No.TN-720241121227 filed on 21.11.2024 and quash the same and consequently direct the 3rd respondent to issue class-II Legal heirship certificate in favour of the petitioners as the legal heirs of K.G.Rajendran

For Petitioner(s): Mr.M.Velan

For Respondent(s): Mr.R.Neelakandan
Additional Advocate General
Assisted by Mr.Yogesh Kannadasan
Special Government Pleader for R1 to R3

ORDER

The petitioners who are aggrieved by the non-speaking rejection order passed by the third respondent as against the application filed by them on 21.11.2024 seeking issuance of Legalheir Certificate, as the Class-II legal heirs of his deceased brother K.G.Rajendran, are before this Court. The reason for the rejection was that the death certificate of the parents of the deceased person had not been attached and that the names of the second class legal heirs have been included.



2. The narration in the affidavit, as also the documents would show that the petitioners are the sisters, who were born to one Govindasamy and Subthramma. Besides the petitioners, Govindasamy and Subthramma had three sons namely K.G.Rajendran, K.G.Anandan and G.Yuvaraj. Govindasamy had passed away on 06.09.1989 and prior to him, his wife Subthramma, the petitioners' mother had passed away. Thereafter, their two brother namely K.G.Anandan and G.Yuvaraj had died on 01.10.2020 and 09.11.2007 respectively. The remaining brother namely K.G.Rajendran was married to one Leelabai. The said couple also died issueless on 07.09.2020 and 01.07.2022 respectively. Therefore, the petitioners have come forward seeking issuance of legal heirship certificate as Class-II legal heirs of K.G.Rajendran.

3. One of the reasons for rejecting the application of the petitioners is that the death certificate of their parents have not been produced. However, it is seen that the petitioners have filed the legal heirship certificate of their father late Govindasamy Naidu, in which not only the date of death of said Govindasamy Naidu is shown but it also shows his surviving and deceased legal heirs of said Govindasamy Naidu. This would suffice for the respondents to consider the request of the petitioners and there is no necessity for demanding the production of the death certificate of parents. The second ground on which the rejection has been made is that the petitioners are Class-II legal heirs of



K.G.Rajendran. This ground for rejection is *per se* erroneous in the light of the Government Orders that have been issued in G.O.(Ms) No.110 (Revenue and Disaster Management Department) dated 13.03.2024, in which an amendment to G.O.(Ms) No.478 (Revenue and Disaster Management) dated 29.09.2022 was brought about, in and by which Clause 2 has been amended and Clause 2(E) has been inserted which clearly stipulates the guidelines and procedure for issuance of legal heirship certificate to the parents or to the siblings of the deceased, in case both the husband and wife die issueless. Clause 2(E) of G.O.(Ms) No.110 (Revenue and Disaster Management Department) dated 13.03.2024 reads as follows :

“(E) குழந்தைகள் இன்றி கணவன் மனைவி இருவருமே இறக்கும் நேர்வில்

i) இறந்தவரின் பெற்றோர்

ii) இறந்தவரின் உடன்பிறந்தோர் (சகோதரர்கள் மற்றும் சகோதரிகள்)”

Therefore, the petitioners being the Clause-II legal heirs as per the Hindu Succession Act, they are entitled to receive the legal heirship certificate of deceased K.G.Rajendran, as his legal heirs.

4. In the light of the above, the writ petition is allowed and the impugned order of the third respondent is set aside. Taking into account that the legal heirship certificate of the petitioners' father Govindasamy which has been produced, not only shows the date of death of Govindasamy but also the name



of his wife Subthamma who had pre-deceased him, as also some of his deceased children, and also the names of the petitioners as his surviving legal heirs, and as the deceased K.G.Rajendran has no surviving legal heirs, the third respondent, without insisting upon the production of death certificate of the parents of the petitioners, shall reconsider the application submitted by the petitioners on 21.11.2024, and issue legal heirship certificate to the petitioners declaring them as the immediate Class-II legal heirs of deceased K.G.Rajendran, within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

05-02-2026

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

DS

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