



**W.P.(MD).No.22017 of 2022**

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 07.11.2022**

**CORAM**

**THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN**

**W.P(MD)No.22017 of 2022**

V.Ramanathan

... Petitioner

vs.

The Tahsildar,  
Nanguneri Taluk,  
Tirunelveli District.

... Respondent

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the respondent in (ஒழு)m2/4546/2022, dated 12.08.2022 and quash the same and consequently, direct the respondent herein to issue Legal Heirship Certificate in favour of the petitioner after proper enquiry.

For Petitioner : Mr.R.Murali

For Respondents : Mr.D.Gandhiraj

Special Government Pleader



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## **ORDER**

This writ petition has been filed challenging the impugned order passed by the respondent in (x.K)m2/4546/2022, dated 12.08.2022 and to quash the same and consequently direct the respondent to issue Legal Heirship Certificate in favour of the petitioner after proper enquiry.

2. The case of the petitioner is that his father died on 15.07.1981 and his mother died on 17.02.1989. The petitioner and his brother Ariharan are the legal heirs. Thereafter, due to illness, his brother Ariharan died on 30.02.2021 and the death of his brother was registered before Kalakadu Town Panchayat and death certificate was also issued. The petitioner has approached the respondent for issuance of legal heir certificate. But the respondent has rejected his request for issuance of legal heir certificate, by proceedings dated 12.08.2022. Challenging the same, the present writ petition has been filed.

3. Heard Mr.R.Murali, learned counsel appearing for the petitioner and Mr.D.Gandhiraj, learned Special Government Pleader appearing for



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the respondent.

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4. The recent G.O.(Ms.)No.478, Revenue & Disaster Management, Revenue Administration Wing RA-3(2) Section, dated 29.09.2022, wherein it has been made clear that in W.P.Nos.25247 of 2021, 16946 of 2020 etc., regarding non-issuance of Legal Heir Certificate by the Tahsildar concerned by identifying class II legal heirs, the Full Bench of this Court directed the Government to issue a fresh Government Order in lieu of Circular No.9 of 2019 without the anomalies pointed out, supra, in particular the usage of the expressions "Class-1" and "Class-II" legal heirs under the Hindu Succession Act, 1956. The Government will also consider incorporating a father, blood brother/sister as eligible applicants for unmarried deceased, as also the administrative remedies of appeal and revision found in paragraphs 9 and 10 of the existing Circular No.9 of 2019. As per the same, the G.O. has been issued. The Additional Chief Secretary/Commissioner of Revenue Administration has sent his report to issue guidelines for Legal Heir Certificate as follows:



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I. Dispensing the classification of heirs as Class I and Class II.

II. Legal Heir Certificate henceforth may be issued to any family members of the deceased and it should be issued by including only the family members of the deceased as provided hereunder, along with their living status, irrespective of the deceased person's Religion, Gender.

Legal Heirship Certificate of the deceased (in case of married person) will include the following members:-

1. Father of Deceased, 2. Mother of Deceased, 3. Spouse of Deceased, 4. Sons of Deceased, 5. Daughters of Deceased.

III. Legal Heir Certificate of the deceased (in case of unmarried persons) will include the following persons:-

1. Father of deceased, 2. Mother of deceased, 3. Brothers of deceased, 4. Sisters of deceased.

5. Accordingly, the petitioner herein has to be considered as he is the brother of the deceased person viz., Ariharan, S/o.T.Veeramani Iyer. Hence, the impugned order passed by the respondent dated 12.08.2022 is quashed and the petitioner is directed to approach the respondent by



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filing fresh application, seeking legal heir certificate, within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the respondent is directed to consider the same and pass appropriate orders, within a period of two weeks.

6. With the above directions, this Writ Petition is disposed of. No costs.

**07.11.2022**

Index: Yes/No

Internet: Yes/No

akv

To

The Tahsildar,  
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**V.BHAVANI SUBBAROYAN,J.**

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