



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2023

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.26788 of 2021
and
W.M.P.No.28255 of 2021

N.Bharath Kumar

.. Petitioner

Vs.

1.State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Revenue and Disaster Management Department,
Ezhilagam Building, Chepauk,
Chennai – 600 005.

2.The Tahsildar,
Mambalam Taluk,
Chennai District,
New No.1, Old No.2,
Bharathidasan Salai, K.K.Nagar,
Chennai – 600 078.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 2nd respondent in Application Reference No.TN-7202106282564 dated 11.07.2021 rejecting the application for legal



heir certificate filed by the petitioner and quash the same and consequently, direct the 2nd respondent to issue a legal heirship certificate in favour of the petitioner herein in respect of the petitioner's deceased mother Mrs.N.Jayalakshmi.

For Petitioner

.. Mr.R.Parthasarathy

For Respondents

.. Mr.U.Bharanidharan,

Additional Government Pleader

ORDER

This writ petition has been filed in the nature of Certiorarified Mandamus seeking the records relating to an order passed by the 2nd respondent, Tahsildar, Mambalam Taluk, Chennai dated 11.07.2021 in A.No.7202106282564, by which order the 2nd respondent had rejected the application seeking recognition as a legal heir of the mother of the petitioner, N.Jayalakshmi.

2.In the affidavit filed in support of the writ petition, it had been stated that the petitioner, Bharath Kumar had been adopted by N.Jayalakshmi wife of late R.Narayanan, as her son. He was taken in adoption on 09.05.1976. In that regard, a Deed of Adoption was registered



as Document No.82/76 in the office of the Sub-Registrar, Kodambakkam on 10.05.1976. The mother, N.Jayalakshmi, died on 12.06.2021. The petitioner is the only legal heir. He applied for legal heirship certificate. That was rejected by the impugned order, in which the 2nd respondent had stated that, legal heirship certificate cannot be issued to adopted children. The said order has to be necessarily interfered with.

3.The provisions of Adoptions and Maintenance Act, 1956, comes to the rescue of the petitioner. Section 12 of the said Act, makes it very clear that any adoptive child get all the rights as a child born to the parents. Therefore, the issue of adoption cannot be examined by the Tahsildar. The Deed of Adoption speaks for itself. It is self-explanatory and it affirms that the petitioner had been taken in adoption by N.Jayalakshmi.

4.Therefore, the impugned order is set aside. The matter is remitted back to the 2nd respondent with a direction that he must issue notice to the petitioner, examine the Deed of Adoption and if the petitioner is otherwise eligible proceed to issue legal heirship certificate. The petitioner may also additionally take to his assistance the legal heirship certificate issued at the



time of the death of his father R.Narayanan. At any rate, such exercise by the Tahsildar should be completed on or before 31.03.2023.

5. With the above observations, this Writ Petition stands allowed. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

21.02.2023

Index: Yes/No
Internet: Yes/No
smv

To,

1. The Principal Secretary to Government,
Revenue and Disaster Management Department,
Ezhilagam Building, Chepauk,
Chennai – 600 005.
2. The Tahsildar,
Mambalam Taluk,
Chennai District,
New No.1, Old No.2,
Bharathidasan Salai, K.K.Nagar, Chennai – 600 078.



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C.V.KARTHIKEYAN,J.

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