



W.P.No. 32272 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **23.01.2023**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No. 32272 of 2022

Mrs. S. Malathy

... Petitioner

Vs

1. The Revenue Divisional Officer,
Tambaram Revenue Division,
at Tambaram, Chennai 45.
2. The Tahsildar,
Tambaram Taluk,
Tambaram.
3. Vestas Wind Technology India Pvt Ltd.
Represented by its Managing Director,
having office at
298, Rajiv Gandhi Salai, OMR Service Road,
Elcot Sez, Sholinganallur,
Chennai, Tamil Nadu PIN 600119. ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the first respondent authority to decide the pending Appeal as against the rejection order passed by the second respondent in issuance of Legal Heir Certificate, that was filed on 19.09.2022 in a time bound manner by directing the second respondent to issue Legal Heir Certificate to the petitioner by including the names of petitioner and her two daughters namely Ms. Tejal and second daughter Ms. Jyotsna.



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For Petitioner : Mr. K. Perumal

For Respondents : Mr. R. Neelakandan
Additional Advocate General
Assisted by
Mr. T. Seenivasan
Special Government Pleader
for R1 & R2

ORDER

The writ petition has been filed questioning the rejection of the legal heirship certificate application filed by the petitioner herein.

2. It is the grievance of the learned counsel for the petitioner that the rejection was by a cryptic one line order and it was also forwarded through on-line by the respondents. The reason for rejection has not been given.

3. The brief facts are that the petitioner had applied for legal heirship certificate relating to the death of her husband Senthilvelan. The petitioner had sought that the legal heirship certificate should be given in her name and in the names of her two daughters. It is an admitted fact that the mother of her husband is still alive. But the petitioner placed reliance on a Will dated 03.01.2022 in which, the deceased had bequetted and recognized as persons who can succeed to his estate as only the petitioners herein. It is therefore contended



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that the name of the mother should be excluded in the legal heirship certificate.

4. Learned counsel for the petitioner also stated that the Government order had been issued without reference to any religion on the basis of the observation of the Hon'ble Full Bench in W.P.No. 25247 of 2021/batch case dated 17.06.2022 and 12.08.2022. He also stated that the legal heirship certificate does not grant any right but only signifies the relationship with the deceased.

5. However, it is common knowledge that the legal heirs as the word signifies should only be in accordance with the law as laid down. If any person dies intestate then the legal heirs would be the Class I legal heirs. Even if he dies after writing a Will only the properties mentioned in the said Will would devolve on the legatees. One of the purposes for execution of the Will is to see that the normal course of succession is deviated and that any third person, if named in the Will as a legatee would get the stated rights. That does not mean that the Class I heirs can be left out in a legal heirship certificate. Their status as widow or as daughters or as mother of a Hindu male will have to be recognized. I would therefore remit the matter back to the original



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authority namely the second respondent/Tahsildar, Tambaram and direct the Tahsildar, Tambaram to re-examine the entire issue on the basis of the application filed and based on the observations and issue legal heirship certificate or if the application is rejected pass necessary orders.

6. In this connection learned Additional Advocate General also pointed out that the G.O.Ms.No. 478 Revenue and Disaster Management Department dated 29.09.2022 had been passed by the Government in which there is an appeal provision. I agree with that contention of the learned Additional Advocate General but since reasons have not been given it is only appropriate that the original authority re-examines the said issue once again.

7. The Tasildar/second respondent, Tambaram is directed to once again enter into a discussion and either issue legal heirship certificate or reject the same and if it is rejected give necessary reasons for such rejection. Such exercise should be completed within a period of eight weeks from the date of receipt of a copy of this order.



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8. The writ petition stands disposed of. No costs. Consequently, connected W.M.P.Nos. 31673 and 31675 are closed.

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Index: Yes/no
mrn

To

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Tambaram Revenue Division,
at Tambaram, Chennai 45.
2. The Tahsildar,
Tambaram Taluk,
Tambaram.



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C.V.KARTHIKEYAN, J.
(mrn)

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