



W.P.(MD)No.6258 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.(MD)No.6258 of 2023

T.P.S.Ponnudurai

... Petitioner

Vs.

1. Thasildar,
Periyakulam Taluk,
Periyakulam,
Theni District.

2. Muthuselvi

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 02.02.2023 to include petitioner's name in the Legal Heir Certificate No.TN-7202012152718, in the light of the G.O.(Ms)No.478, dated 29.09.2022 of Revenue and Disaster Management Revenue Administration Wing, RA-3(2) Section.

For Petitioner : Mr.A.Srinivasan

For Respondents : Mr.N.NMuthu Vijayan
Special Government Pleader



W.P.(MD)No.6258 of 2023

WEB COPY

ORDER

This Writ Petition has been filed seeking a direction to the first respondent to include the name of the petitioner, in the Legal Heirship Certificate No.TN-7202012152718, in the light of the G.O.(Ms)No.478, Revenue and Disaster Management, Revenue Administration Wing, RA-3(2) Section, dated 29.09.2022.

2. The petitioner, T.P.S.Ponnudurai, is father of Chellaram. His son Chellaram was married to one Muthuselvi and they have a son. Chellaram died on 06.12.2020. Legal Heirship Certificate was applied. In the Legal Heirship Certificate, the name of the petitioner was not given.

3. The learned counsel for the petitioner relies on aforementioned Government Order in G.O.(Ms)No.478, dated 29.09.2022. The said Government Order was passed consequent to a judgment of the Hon'ble Full Bench in W.P.Nos.25247 of 2021 etc., batch, wherein, by an order dated



W.P.(MD)No.6258 of 2023

WEB COPY

17.06.2022, the Hon'ble Full Bench had held that the Legal Heirship Certificate is only a relationship certificate and does not affect the legal right of any parties and has no bearing on the status of the legal heir, which is conferred by the personal law. Therefore, by including the name of the petitioner / father, it is only recognition of that relationship of father of the deceased. This would not mean that the petitioner can be categorised as legal heir to either the property or any other movable or immovable properties of the deceased Chellaram and he is only recognised as father.

4. Keeping in mind the object behind G.O.(Ms)No.478, a direction is given to the first respondent, to include the name of the petitioner in the Legal Heirship Certificate. This order is passed even without issuing notice to the second respondent / widow of Chellaram / daughter-in-law of the petitioner, since by inclusion of the petitioner, it would not mean that her rights are defeated, she is still the widow and Class-I Legal Heir to succeed all movable and immovable properties of the deceased Chellaram. The petitioner cannot succeed to any of them.



W.P.(MD)No.6258 of 2023

5. This Writ Petition stands disposed of. There shall be no order as

to costs.

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23.03.2023

NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

To

The Thasildar,
Periyakulam Taluk,
Periyakulam,
Theni District.



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W.P.(MD)No.6258 of 2023

C.V.KARTHIKEYAN, J.

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W.P.(MD)No.6258 of 2023

23.03.2023