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W.P.(MD)NO.29957 OF 2023

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

**DATED: 18.12.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P.(MD)No.29957 of 2023 AND**  
**W.M.P.(MD)Nos.25825 to 25827 of 2023**

M.Senthil

... Petitioner

Vs.

1. State rep. By its  
The District Collector,  
O/o.the District Collector,  
Virudhunagar.
2. State rep. By its  
The District Revenue Officer,  
O/o.The District Revenue Officer,  
Virudhunagar.
3. State rep. by its  
The Revenue Divisional Officer,  
O/o.the Revenue Divisional Officer,  
Sathur Taluk,  
Virudhunagar District.
4. The Tahsildar,  
Virudhunagar,  
Virudhunagar District.
5. Gnandeepan
6. Mariappan
7. Shanthi

... Respondents



**Prayer:** Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 04.12.2023 in Na.Ka.B3-3-3-2023-B3 issued by the 2<sup>nd</sup> respondent and quash the same as illegal and arbitrary and consequently direct the respondents 1 to 4 cancel the legal heirship certificate issued to the 5<sup>th</sup> respondent.

For Petitioner : M/s.V.Muthumani

For R-1 to R-4 : Mr.K.Balasubramani,  
Special Government Pleader.

\* \* \*

### **ORDER**

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the official respondents.

2. The fifth respondent applied for issuance of legal heirship certificate. It was negatived on the ground that he was only an adopted child. Questioning the same, W.P. (MD)No.18574 of 2022 was filed. The said writ petition was disposed of by me on 16.08.2022 in the following terms:-

“Heard the learned counsel on either



side.

2.The case of the petitioner is that he was adopted by Mr.V.M.G.Rajasekaran as son on 12.11.1997. The copy of the registered adoption deed has been enclosed in the typed set of papers. Thiru.V.M.G.Rajasekaran passed away on 09.05.2021. The adoptive mother Ramani has also passed away. She pre-deceased the adoptive father. The petitioner applied to the respondent for legal heir certificate. The petitioner's request was rejected by the impugned order. It has been passed without conducting an enquiry.

3.The order impugned in the writ petition is quashed primarily on the ground that without holding an enquiry, it had been passed. It is vulnerable on yet another ground also. The statute declares that an adopted child is on par with the biologically born child. In other words, an adopted child is a Class-I legal heir. The respondent does not appear to have appreciated these facts. He had mechanically relegated the



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petitioner to move the jurisdictional civil court.

The order impugned in this writ petition is quashed. The writ petition is allowed. The matter is remitted to the file of the respondent. The respondent shall pass orders after enquiring the petitioner on merits and in accordance with law. This exercise shall be completed within a period of six weeks from the date of receipt of copy of the order. No costs. Connected miscellaneous petitions are closed.”

3. Thereafter, the jurisdictional Revenue Divisional Officer granted legal heirship certificate in favour of the fifth respondent. Challenging the same, the petitioner filed revision before the second respondent. The second respondent vide order dated 04.12.2023 dismissed the revision confirming the issuance of legal heirship certificate in favour of the fifth respondent. Questioning the same, the present writ petition came to be filed.

4. After going through the entire materials on record and after hearing the learned counsel appearing for the petitioner and the learned Special Government Pleader, I am



of the view that the issue has to be eventually adjudicated only before the jurisdictional civil Court.

5. The petitioner is at liberty to move the jurisdictional civil Court and it is for the jurisdictional civil Court to take a call in the matter. Granting such liberty to the petitioner, this writ petition stands disposed of. If any such suit is filed, it shall be numbered immediately and any IA that may be filed by the petitioner for interim relief shall be disposed of as expeditiously as possible. No costs. Consequently, connected miscellaneous petitions are closed.

**18.12.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes/ No

PMU

**Note : Issue order copy on 21.12.2023.**



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W.P.(MD)NO.29957 OF 2023

**G.R.SWAMINATHAN,J.**

PMU

**To:**

1. The District Collector,  
O/o.the District Collector,  
Virudhunagar.
2. The District Revenue Officer,  
O/o.The District Revenue Officer,  
Virudhunagar.
3. The Revenue Divisional Officer,  
O/o.the Revenue Divisional Officer,  
Sathur Taluk,  
Virudhunagar District.
4. The Tahsildar,  
Virudhunagar,  
Virudhunagar District.

W.P.(MD)No.29957 of 2023

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