



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

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CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. No.9927 of 2024

Lakshmi Ranganathan

... Petitioner

Vs.

1. The Tashildar-Aminjikarai,
Gajalakshmi Colony,
1st Street, Shenoy Nagar,
Chennai – 600 030.
(Near: Aminjikarai Market)

2. Revenue Inspector (IV)-Aminjikarai,
Gajalakshmi Colony,
1st Street, Shenoy Nagar,
Chennai – 600 030.
(Near: Aminjikarai Market)

... Respondent

Prayer: Writ Petition is filed under Article 226 of Constitution of India, for issuance of writ of Certiorarified Mandamus, to call for the records in impugned order passed by the respondent in Ref.No.Na.Ka.3447/2023/A2 dated 23.02.2024 and quash the same and consequently direct the respondent to issue legal heirship certificate to the petitioner, based on the petitioner's representation dated 29.12.2023, within a stipulated time as fixed by this Court.



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For Petitioner : Ms.J.Mithera Paul Kirubakaran

For Respondents : Mr.U.Baranidharan
Additional Government Pleader

ORDER

The grievance of the writ petitioner is that the application submitted by her to issue a Class II Legal Heirship Certificate for married brother of the writ petitioner, who died has not been considered by the respondents. Thus, the present writ petition came to be instituted.

2. Legal Heirship Certificate for Class II Legal heirs are to be issued by scrupulously following the Government Order issued in G.O.(Ms)No.478, Revenue and Disaster Management dated 29.09.2022 and an amendment issued thereafter in G.O.(Ms).No.110.

3. The Government Order stipulates conditions for issuance of Legal Heirship Certificate for Class II Legal Heirs, which is as follows:

“7. In the reference seventh read above, the Additional Chief Secretary/Commissioner of Revenue Administration has sent his report to issue guidelines for Legal Heir Certificate as follows:

I. Dispensing the classification of heirs as Class I and



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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*

IV. Further , it is also recommended to incorporate the following appeal provisions:-

S.No.	Existing Provisions	Proposed Provisions
1.	<u>Appeal Provision:-</u> If any disputes arise on the Legal Heir Certificate issued, as appeal petition shall be filed to the respective Revenue Divisional Officer within a	<u>Appeal Provision:-</u> Existing provision may be continued.



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S.No.	Existing Provisions	Proposed Provisions
	period of one year from the date of issuance of the certificate.	
2.	<u>Power of Revision:-</u> The power of revision lies with the District Collector and Revision petition shall be filed by the applicant within a period of 3 years from the date of passing of the appeal order.	<u>Power of Revision:-</u> The power of revision lies with the District Revenue Officer and Revision petition shall be filed with in a period of 3 years from the date of passing of the appeal order.

4. The impugned order states that the brother of the writ petitioner died and at the time of his death, he was a married person. Thus, Class 2 'Legal Heirship Certificate' cannot be issued under the Government Order cited *supra*. Thus, the petitioner has to approach the competent Civil Court of law for the purpose of securing Legal Heir ship Certificate.

5. Accordingly, this Writ Petition stands **dismissed** at the admission stage itself. No costs.

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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S.M.SUBRAMANIAM,J.

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