



WEB COPY

W.P.No.8870 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.8870 of 2024

and

W.M.P. No.9875 of 2024

M. Palaniyammal W/o. Sekar

... Petitioner

Vs.

The Tahsildar,
Taluk Office,
Nagamarai – Pennagaram Road,
Pennagaram,
Dharmapuri District – 636 810.

..... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records on the file of the respondent herein vide his proceedings in TN-7202401082017 dated 08.01.2024 and quash the impugned order dated 13.03.2024 passed therein, rejecting legal heirship certificate to the petitioner and further direct the respondent herein to grant Legal Heirship Certificate to the petitioner in view of the petitioner's representation dated 08.01.2024.



For Petitioner : Mrs. Karthikaa Ashok
For Respondent : Mr. U. Baranidharan
Additional Government Pleader.

ORDER

The order rejecting the application submitted by the Writ petitioner to issue a Legal Heirship Certificate on the ground that the petitioner is the adopted daughter of late Munusamy Chetty and Alamelu, is under challenge in this Writ proceedings.

2. The learned counsel for the petitioner would submit that right from birth, the petitioner was brought up by late Munusamy Chetty and Alamelu and they have adopted the petitioner as their daughter. After the demise of Munusamy Chetty and Alamelu, an application was submitted in the year 2024 to issue Legal Heirship Certificate. The said application was rejected on the ground that the petitioner has not submitted any document to establish that she is the adopted daughter of late Munusamy Chetty and Alamelu.

3. The learned counsel for the petitioner submits that the reason for rejection of the application is that Munusamy Chetty and Alamelu died



intestate and they had no issues and the petitioner is not an adopted daughter. However, they have rejected the petition on the ground that late Munusamy Chetty and Alamelu had brought up the petitioner, but not adopted.

4. The learned Additional Government Pleader based on the written instructions from the Tahsildar, Pennagaram made a submission that the petitioner has not produced any document to establish that the petitioner is a legally adopted daughter of late Munusamy Chetty and Alamelu. In the absence of any such valid document to establish adoption, the authorities may not be in a position to issue Legal Heirship Certificate. It is a prerequisite condition for issuing Legal Heirship Certificate and therefore, the order of rejection is in order.

5. Pertinently, late Munusamy Chetty died on 10.02.1993. His wife Alamelu died on 24.03.2017. However, the application for Legal Heirship Certificate was filed on 08.01.2024. There is an enormous delay even in submitting the application for Legal Heirship Certificate. The respondent Tahsildar conducted an enquiry and found that the petitioner has not



produced any valid document to establish adoption. Therefore, in the absence of such document, the Revenue authorities cannot issue Legal Heirship Certificate. As per the G.O. (Ms) No.478, Revenue & Disaster Management dated 29.09.2022, an appeal provision is contemplated. Accordingly, the petitioner may prefer an appeal to the jurisdictional Revenue Divisional Officer within a period of one year. The petitioner is at liberty to prefer an appeal, if she can able to establish the Legal adoption in the manner known to law.

6. With this liberty, this Writ petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

02.04.2024

Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no

mjs

To
The Tahsildar,
Taluk Office,
Nagamarai – Pennagaram Road,
Pennagaram,
Dharmapuri District – 636 810.



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S.M.SUBRAMANIAM, J.

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