



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

WEB COPY

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

W.P. No.9925 of 2024

C.Pravin Kumar

... Petitioner

Vs.

The Tahsildhar,
O/o.The Tahsildhar,
No.28, Pasumpon Muthuramalingam Salai,
Raja Annamalaipuram,
Chennai – 600 028.

... Respondent

Prayer: Writ Petition is filed under Article 226 of Constitution of India, for issuance of writ of Mandamus, directing the respondent to issue II Class Legal Heir Ship Certificate of the deceased V.G.Ammani, considering petitioner representation dated 20.11.2023, submitted to the respondent.

For Petitioner : Mr.R.Gopinath
for M/s.MGCAN Law Firm

For Respondent : Mr.U.Baranidharan
Additional Government Pleader



W.P.No.9925 of 2024

ORDER

WEB COPY

The grievance of the writ petitioner is that the application submitted by him to issue a Class II Legal Heirship Certificate of the deceased V.G.Ammani 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 Class II.

II. Legal Heir Certificate henceforth may be issued to



W.P.No.9925 of 2024

WEB COPY

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 period of one year from the date of issuance of the certificate.	<u>Appeal Provision:-</u> Existing provision may be continued.
2.	<u>Power of Revision:-</u>	<u>Power of Revision:-</u>



W.P.No.9925 of 2024

S.No.	Existing Provisions	Proposed Provisions
	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.	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 petitioner is seeking Legal Heirship Certificate for his Paternal Aunt and the relationship is not falling 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.

12.04.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
veda

To

The Tahsildhar,
O/o.The Tahsildhar,
No.28, Pasumpon Muthuramalingam Salai,
Raja Annamalaipuram,

Page No.4 of 5



Chennai – 600 028.

WEB COPY



W.P.No.9925 of 2024

S.M.SUBRAMANIAM,J.

veda

W.P. No.9925 of 2024

12.04.2024

Page No.5 of 5