



W.P.No.10508 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2024

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

W.P. No.10508 of 2024
and
W.M.P.No.12666 of 2024

1.S.Nakhil

2.Sonia Minu Hayes

3.Kiran Kim

4.M.K.Vinothini

... Petitioners

Vs.

The Tahsildar,
South Salem,
Salem District

... 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 pertaining to order passed by the respondent in Application No.TN-720230601251 and quash the same as illegal and consequently direct the respondent to issue legal heirs certificate to the petitioners as per Hindu Succession Act within stipulate time fixed by this Court.

For Petitioners : Mr.P.Tamilvel

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For Respondent : Mr.U.Baranidharan
Additional Government Pleader

ORDER

The order of rejection rejecting the application submitted by the petitioners for issuance of Legal Heirship Certificate is under challenge in the present writ petition.

2. The father of the petitioners died on 15.01.2023. The petitioners submitted an application seeking 'Legal Heirship Certificate.' The Tahsildar conducted an enquiry with the assistance of Revenue Authorities and found that the deceased father of the petitioners had three wives. Citing the said reason, the application was rejected. Thus, the present writ petition came to be instituted.

3. Mr.P.Tamilvel, learned Counsel appearing on behalf of the petitioners would submit that the deceased father of the petitioners had only two wives and the first wife was divorced. Thus, there is no impediment for issuing 'Legal Heirship Certificate'.

4. When the Revenue Authorities during the course of enquiry



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found that the deceased father of the petitioners had 3 wives, now, the petitioners have got two options i.e., either to approach the competent Civil Court of law for establishing their right or file an appeal before the Revenue Divisional Officer along with all relevant documents to establish that the deceased father of the petitioners had only two wives.

5. The Revenue Authorities cannot exceed their jurisdiction or usurp the power of the civil court for issuance of 'Legal Heirship Certificate'. The 'Legal Heirship Certificate' has got civil consequences. Therefore, the parties seeking 'Legal Heirship Certificate' are bound to produce all relevant documents to establish their relationship. In the event of doubt during the course of enquiry, the Revenue Authorities are empowered to reject the applications by relegating the parties to approach the competent Civil Court of law. The Revenue Authorities cannot conduct a trial nature proceedings for the purpose of issuance of 'Legal Heirship Certificate'. Certain informations gathered, if found to be violative of the Government Orders in force, then the Authorities would not be in a position to issue 'Legal Heirship Certificate'. Therefore, the petitioners are at liberty to prefer an appeal before the Revenue Divisional Officer or approach the competent Civil Court of law for the

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purpose of redressal of their grievances.

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6. Accordingly, this Writ Petition stands **dismissed** at the admission stage itself. No costs. Consequently connected miscellaneous petition is closed.

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

The Tahsildar,
South Salem,
Salem District

S.M.SUBRAMANIAM,J.



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