



W.P.No.36002 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 11.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.36002 of 2024

1. B.Kalarani
2. B.Lekhashree
3. B.Narmadha

... Petitioners

Vs.

The Tahsildar, Mambalam Taluk,
Bharathidasan Salai, K.K.Nagar,
Chennai District 600 078.

... Respondents

Prayer: Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Certiorified Mandamus, calling for the records in representation dated 20.08.2024 in order TN-7202408202606 on the file of the respondent and quash the same and issue consequential direction directing the respondent to furnish the legal heir certificate to the second and third petitioner as per the representation dated 20.08.2024.



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For Petitioners : Mr.K.Maheswaran
For Respondents : Mr.R.Neelakandan,
Additional Advocate General
assisted by Mr.V.Ramesh, Govt. Advocate

ORDER

This writ petition is filed challenging the impugned entry made in the online portal dated 20.08.2024 by the respondent, rejecting the application of the petitioner seeking issuance of Legal Heirs Certificate, stating that the applicant is not a direct legal heir of the deceased G.Baby, who is mother in law of the first petitioner and paternal grand mother of the respondents 2 and 3.

2. It is the case of the petitioner that the first respondent married one G.Babu and the second and third petitioners were born out of their wedlock. The first petitioner's husband G.Babu died on 28.03.2007 and his father pre deceased him on 05.05.1986. The mother in law of the first petitioner namely G.Baby also died on 14.05.2021 leaving behind the petitioners as Class-I legal heirs.



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3. The petitioner submitted an application seeking legal heirs certificate through online in application No.TN-7202408202606, dated 20.08.2024 and the same was rejected by the respondents by making entry in the online portal that the petitioner was not a direct legal heir of the deceased G.Baby. Aggrieved by the same, the petitioners are before this court.

4. The learned counsel for the petitioners submitted that the first petitioner is wife and the second and third petitioners are the children of deceased G.Babu, who predeceased his mother G.Baby. The husband of Mrs.G.Baby also predeceased her. In such circumstances, as per the Hindu Succession Act, the petitioners alone are the Class-I legal heirs of the deceased G.Baby and hence, the reason given by the respondents in the online portal that the petitioners are not the direct legal heirs of the deceased is not correct.

5. Mr.R.Neelakandan, learned Additional Advocate General appearing for the respondents, on instructions, submitted that in the online portal of the respondent, there is no provision for applying legal



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heirs certificate by the daughter in law or children of the pre deceased son of the deceased. The first petitioner applied for legal heirs certificate, as if she is the daughter of the deceased G.Baby by utilising online provision meant for daughter, but the first petitioner is daughter in law of the deceased. Therefore, the petitioner's application has been rejected.

6. Even as per the submission made by the learned Additional Advocate General, in the online portal of the respondents, there is no provision for submitting application for legal heirs certificate by some of the legal heirs of the deceased, like, wife of the predeceased son. Merely because in the online portal of the respondents there is no provision enabling the petitioners to apply for legal heirs certificate, the respondents are not entitled to reject the application, when actually the petitioners are the Class-I legal heirs of the deceased G.Baby, as per the provisions of the Hindu Succession Act.

7. In view of the above, the petitioner is directed to submit a physical application before the respondents seeking legal heirs



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certificate, mentioning the relationship with the deceased G.Baby, along with the copies of death certificate of first petitioner's husband G.Babu and his legal heirs certificate. The physical application of the petitioner shall be filed before the respondent, within a period of two weeks from the date of receipt of a copy of this order. The respondent shall process the physical application submitted by the petitioner and issue legal heirs certificate in accordance with G.O.(Ms) No.478, Revenue and Disaster Management, dated 29.09.2022 as amended by G.O.Ms.No.110, Revenue and Disaster Management, dated 13.03.2024, within a period of four weeks thereafter.

8. With the above direction, this writ petition is disposed of. There shall be no order as to costs.

9. The learned Additional Advocate General also submitted that necessary provision will be made in the online portals for enabling the legal heirs of the predeceased sons and daughters of the deceased to apply for legal heir certificate



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10. The said statement made by the learned Additional Advocate General is recorded.

11. The Registry is directed to mark the copy of this order to the Secretary, Revenue Department, Secretariat, Chennai.

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11.12.2024

Index: Yes/No
Internet: Yes/No
mst

To

1. The Tahsildar, Mambalam Taluk,
Bharathidasan Salai, K.K.Nagar,
Chennai District 600 078.
2. The Secretary,
Revenue Department,
Government of Tamil Nadu,
Fort St. George, Chennai.



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S.SOUNTHAR, J.

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