



WEB COPY



W.P.No.36722 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 10.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.36722 of 2024

Sivakumar, H.

...Petitioner

Vs

1. The Tahsildar,
(Aminjakarai Taluk),
Gajalakshmi Colony, first street,
Shenoy Nagar, Chennai 600 030.
(near Aminjikai Market)

2. Mrs. Mala

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking for issuance of a writ mandamus, directing the first respondent to issue a legal heir certificate on the basis of the petitioner's online application No.TN-7202411042190 registered date 04.11.2024

For petitioner : Mr.G.Vana Narayanan

For respondents : Mr.R.Neelakandan,
Additional Advocate General
Assisted by Mr.S.Balamurugan,
Government Advocate
for first respondent



W.P.No.36722 of 2024

ORDER

WEB COPY

The writ petitioner seeks a direction to the first respondent for issuance of Legal Heirship Certificate based on his on-line application No. TN-7202411042190, dated 04.11.2024.

2. It is the case of the petitioner that he was adopted by one Krishnan and Shanthi and the petitioner's adoption was formalized by execution Deed of Adoption, registered as document No.4/444/2001 on the file of Sub Registrar of Assurances, Virugambakkam, Chennai. The petitioner's adoptive father passed away on 18.02.2018. The petitioner obtained legal heirship certificate, wherein, the name of the adoptive mother of the petitioner was shown as legal heir. Subsequently, petitioner's adoptive mother Shanthi passed away on 02.09.2024. The petitioner submitted an application for issuance of the legal heirship certificate in application No.TN-7202410012447. The said application was rejected on the ground that the second respondent made objection, claiming herself as Class-II of the adoptive mother of the petitioner. Subsequently, the petitioner submitted another application No. TN 7202411042190 for issuance of legal heirship certificate and the same



W.P.No.36722 of 2024

has not been considered. Hence, the petitioner has come before this court.

3. Mr.Neelakandan, learned Additional Advocate General, assisted by Mr.S.Balamurugan, learned Government Advocate, who takes notice for the first respondent, on instructions submitted that earlier, the application submitted by the petitioner was rejected by the first respondent and in such circumstances, the subsequent application filed by the petitioner cannot be considered.

4. It is seen from the documents filed in the typed set of papers that the earlier application filed by the petitioner was rejected by the first respondent on 04.11.2024. As per the guidelines issued in G.O.Ms.No.478, Revenue Disaster Management, dated 29.09.2020, appeal shall lie as against the order passed by the respondent before the Revenue Divisional Officer. Therefore, it is for the petitioner to prefer regular appeal and he is not entitled to file another application seeking issuance of legal heirship certificate.



W.P.No.36722 of 2024

WEB COPY

5. Accordingly, this writ petition is dismissed with liberty to file appeal before the appellate authority, viz. Revenue Divisional Officer concerned.

10.12.2024.

Index : Yes / No
Internet : Yes / No
mst

To

The Tahsildar, (Aminjakarai Taluk),
Gajalakshmi Colony, first street,
Shenoy Nagar, Chennai 600 030.



WEB COPY



W.P.No.36722 of 2024

S.SOUNTHAR, J.
mst

W.P.No.36722 of 2024

10.12.2024