



W.P.(MD)No.22101 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 13.03.2024

Pronounced on : 27.03.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.22101 of 2021

K.G.Janarthanan

... Petitioner

Vs.

1. The Tahsildar,
Madurai South Taluk,
Madurai District.

2. T.B.Sabeetha Devi

... Respondents

Prayer : This Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the first respondent in ந.க.எண்.5859/2017/14 dated 29.12.2017 and to quash the same and consequently direct the first respondent to issue legal heir certificate of the deceased daughter-in-law namely Lakshmi Priya to the petitioner by including his name and the name of this wife along with the name of the second respondent by adopting due process of law.



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For Petitioner : Mr.C.M.Arumugam
For R1 : Mr.P.Thambidurai
Government Advocate
For R2 : Mr.A.Sundararajan

ORDER

The Writ Petition is directed against the order dated 29.12.2017 passed by the first respondent and for direction to the first respondent to issue a legal heir certificate of the deceased daughter-in-law Lakshmi Priya by including his name and the name of his wife along with the name of the second respondent-mother of the said Lakshmi Priya.

2. It is evident from the records that the marriage between the writ petitioner's son Vigneshbabu and the second respondent's daughter Lakshmi Priya was solemnized on 02.03.2015, that in a road accident occurred on 07.08.2016, the writ petitioner's son Vigneshbabu, his wife Lakshmi Priya, the second respondent's husband and her husband's mother had died and that a criminal case came to be registered in Crime No.135 of 2015 on the file of the jurisdictional police, Tirunelveli District. It is also evident from the records that the second respondent has filed a Motor



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Accident Claim Original Petition seeking compensation for the death of her daughter Lakshmi Priya in M.C.O.P.No.163 of 2017 on the file of the Motor Accident Claims Tribunal/Special District Court for MCOP cases, Madurai and subsequently, the writ petitioner and his wife were impleaded as respondents.

3. The case of the writ petitioner is that the writ petitioner has obtained legal heir certificate for his deceased son Vigneshbabu, that the writ petitioner has also approached the first respondent to get legal heir certificate of his daughter-in-law, but the same was not considered by the authorities concerned and therefore approached this Court by filing a writ petition in W.P.(MD)No.14420 of 2017 directing the first respondent herein to issue a legal heir certificate to him and his wife by considering his representation, that this Court has passed an order dated 03.08.2017 directing the first respondent herein to consider the application of the writ petitioner dated 18.04.2017 and pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of that order and that in pursuance of the said direction, the first respondent has passed the impugned order dated 29.12.2017, wherein, it has been stated that the second respondent has also applied for



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legal heir certificate for her daughter and the same was rejected by the first respondent as her daughter got already married and directed the parties to approach the concerned Court.

4. It is the further case of the writ petitioner that he is the proper legal heir to his daughter-in-law as she is the wife of his deceased son, that though the second respondent has earlier made an objection before the first respondent and after taking note of the pendency of the case before the Court and pending disputes regarding sharing of death claim amount between the writ petitioner and the second respondent, he was directed to approach the Court concerned to get the legal heir certificate of the said Lakshmi Priya, that himself and the family members of the second respondent have entered into compromise and as of now, there are no disputes between them and that therefore the impugned order of the first respondent is liable to be set aside in view of the subsequent development and the settlement between the parties.

5. As rightly pointed out by the learned Government Advocate appearing for the first respondent, at the time of passing the impugned



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order, even according to the writ petitioner, there existed disputes between the writ petitioner and the family of the second respondent, that the second respondent has also applied for legal heir certificate of her daughter Lakshmi Priya and that taking note of the rival claims, the first respondent has rightly directed the parties to approach the competent civil Court.

6. It is pertinent to note that the second respondent is the mother of the deceased Lakshmi Priya, that the said Lakshmi Priya's husband Vigneshbabu-son of the writ petitioner had died in the said accident, that father of the said Lakshmi Priya/husband of the second respondent had also died and that the said Lakshmi Priya and Vigneshbabu had died without issues.

7. It is not in dispute that the writ petitioner has earlier filed the writ petition in W.P.(MD)No.14420 of 2017 seeking direction to the first respondent herein to issue legal heir certificate based on his application dated 18.04.2017 for his daughter-in-law and a learned Judge of this Court, vide order dated 03.08.2017, without entering into the merits of the matter, directed the first respondent herein to consider the application of



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the writ petitioner dated 18.04.2017 and pass appropriate orders on merits in accordance with law within a period of eight weeks from the date of receipt of a copy of that order. In pursuance of the said direction, the first respondent, after conducting enquiry, has passed the impugned order.

8. The learned counsel appearing for the writ petitioner would submit that though they have relied on Sections 14 and 15 of the Hindu Succession Act, the first respondent, without considering the above provisions in proper perspective, has directed the parties to approach the civil Court.

9. The learned Government Advocate appearing for the first respondent would submit that whether the properties of the deceased Lakshmi Priya were received by her through her husband side or through her parents side cannot be decided by the revenue authorities and that therefore the first respondent has rightly directed the parties to approach the competent civil Court. Moreover, the Government has issued a circular dated 29.09.2022 in pursuance of the judgment of the Hon'ble Full Bench of this Court in *P.Venkatachalam and others Vs. The Tashildar,*



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(4) CTC 1, wherein, the Government has issued guidelines for issuance of legal heir certificate.

10. As rightly pointed out by the learned Government Advocate appearing for the first respondent, the said Government Order contemplates for the issuance of legal heir 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

11. As rightly contended by the learned counsel appearing for the second respondent, father-in-law or mother-in-law of the deceased does not find place in the Government Order. Moreover, the Hon'ble Full Bench has specifically observed that a legal heirship is a status governed by the respective personal law of parties through various statutes, that the



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certificates issued by the Tahsildar amount to nothing more than a relationship certificate reflecting the opinion of the Tahsildar as to the relationship of the applicant and others named therein with the deceased and that consequently, the certificate issued by the Tahsildar does not affect the legal right of any party and has no bearing on the status of a legal heir which is conferred on an individual under his/her personal law.

12. It is evident from the impugned order that the second respondent has applied for legal heir certificate of her daughter Lakshmi Priya, but the first respondent has rejected her claim on the ground that her daughter has already got married and therefore directed her to approach the competent civil Court. Since the claim of the second respondent-mother of the deceased itself has been rejected, the question of granting legal heir certificate in favour of the writ petitioner, who is the father-in-law of the deceased, does not arise at all.

13. As already pointed out, in the impugned order, the first respondent has specifically observed that in case of any objection to the impugned order, the parties are at liberty to approach the appropriate



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Court for necessary relief and as such, the same cannot be found fault with. Hence, this Court concludes that the writ petition is devoid of merit and the same is liable to be dismissed.

14. In the result, the Writ Petition is dismissed. No costs.

27.03.2024

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The Tahsildar,
Madurai South Taluk,
Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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**Pre-Delivery Order made in
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Dated : 27.03.2024