



W.P.No.4348 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 10.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.4348 of 2025

and

W.M.P.No.4885 of 2025

M.B.Pramodhini

... Petitioner

Vs

The Thasildhar,
Ambattur Taluk,
Ambattur,
Chennai - 600 037.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records of the respondent with regard to impugned order dated 01.01.2025 rejecting the request for grant of Rev-114 Legal heirship certificate made in Application No.TN-720241127803 dated 27.11.2024 and quash the same as illegal, arbitrary and against the statute and principles of natural justice and consequently directing the respondent to issue the Legal Heir Certificate in the light of the order passed in W.P.No.8256 of 2022 by considering the representation dated 26.12.2024.



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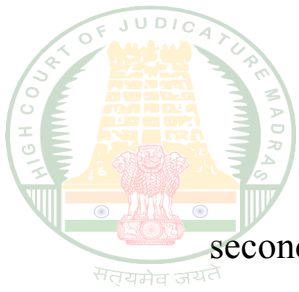
For Petitioner : Mr.R.Nirmala Devi
For Respondent : Mr.R.Neelakandan
Additional Advocate General
assisted by Mr.R.Muthi
Government Advocate

ORDER

By the order impugned in the writ petition, which has been uploaded in the online portal, the petitioner's application to include her name as a legal heir with reference of the legal heirship certificate of one *Mr. Berala Chalapathy*, was rejected.

2. When the matter came up for admission, *Mr.R.Neelakandan*, the learned Additional Advocate General takes notice on behalf of the respondent would submit that even though the petitioner contends that she is born to the said *Berala Chalapathy* through his second marriage, the legal heirship certificate issued only included the children born to Berala Chalapathy and his first wife, *Pushpaveni Chalapathy*.

3. The said view taken by the respondent is erroneously in law. Even if a person marries during the subsistence of the first marriage, it is only the



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second spouse who will not be considered a legal wife and cannot be included in the legal heir certificate. However, the children born through such an invalid marriage will still be legal heirs. Therefore, the respondent has to consider the case of the petitioner also.

4. In view of the fact that the legal heirship certificate is already issued and those persons in whose favour the legal heirship certificate issued are not impleaded as parties in the writ petition, the writ petition is disposed on the following terms:

(i) The impugned order dated 01.01.2025 passed in the application number of the petitioner bearing reference No.TN-720241127803 dated 27.11.2024, is hereby set aside.

(ii) The matter is remanded back to the respondent. The petitioner shall appear before the respondent along the web uploaded copy of this order without waiting for the certified copy of the order, on 27.03.2025. Upon the production of the copy of this order, the respondent shall initiate a re-enquiry with reference to the said legal heirship certificate and issue notice to the other persons who are shown in the legal heirship certificate. An



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enquiry shall be conducted and if the petitioner provides proof that her biological father was *Berala Chalapathy*, then in spite of the fact that the petitioner mother was not legally wedded after divorce, the petitioner name shall also be included in the legal heirship certificate.

(iii) The said exercise shall be completed within a period of eight weeks from the date of appearance of the petitioner.

(iv) No costs. Consequently, connected miscellaneous petition is closed.

10.02.2025

Neutral Citation: Yes/No
nsl

To

The Thasildhar,
Ambattur Taluk,
Ambattur,
Chennai - 600 037.



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D.BHARATHA CHAKRAVARTHY, J.

nsI

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