



W.P.No.7867 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.7867 of 2025
and W.M.P.No.8852 of 2025

1.Sivakami
2.R.Raghavendran

.. **Petitioners**

Vs.

1.The District Collector
District Collector Office
Salem – 636 001.

2.The Revenue Divisional Officer
Salem District.

3.The Tahsildar
Salem North
Manakkadu, Salem – 636 007.

4.Meyappan

.. **Respondents**

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed in Mu.Mu. No.6659/ 2024A2 dated 24-12- 2024 by the 2nd respondent / Revenue Divisional officer in confirming the legal heirs certificate No. TN- 720210212757 dated 04.03.2021 issued by the 3rd Respondent in



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favour of the 4th Respondent / Meyappan and quash the same as illegal in view of section of 25 & 27 of the Hindu Succession Act and Consequently direct the 3rd Respondent / Tahsildar to issue legal heirs certificate in favour of the petitioners and Mr. Sivaram for the deceased Suganya and necessary entry in revenue records by mentioning the petitioners' name and Mr. Sivaram in the description of property mentioned in affidavit and pass such further or other orders.

For the Petitioners : Ms.Usha Ramman

For the Respondents : Mr. R.Murthi
Government Advocate
for RR1 to 3

ORDER

This Writ Petition is filed to call for the records relating to the impugned order passed in Mu.Mu. No.6659/ 2024A2 dated 24.12.2024 by the 2nd respondent by confirming the legal heirship certificate passed by the 3rd respondent dated 04.03.2021 in favour of the 4th respondent – Meyappan and quash the same as illegal, in view of Sections 25 and 27 of the Hindu Succession Act, 1956.

2. The grievance of the petitioners is that they suspect the 4th respondent,



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who is their daughter's husband, may have murdered their daughter. As on date the records stand as if the petitioner's daughter committed suicide.

3. If it is a case of murder, the petitioners have to prefer a complaint before the appropriate investigating agency and if only the 4th respondent is prosecuted and convicted for murder, then the disqualification under Sections 25 and 27 of the Hindu Succession Act, 1956 get attracted. As on the date, on the mere suspicion, the legal heirship certificate cannot be kept in abeyance. The other grievance of the petitioners is that, after they settled the property in favor of their daughter and their daughter died intestate, the husband has been altering the records concerning the said property based on the legal heirship certificate. Nobody can dispute that the husband is the legal heir of a married woman. When the petitioners gifted the property, after their daughter's death, they are now claiming it back as part of the shreedhana property. This matter is pending consideration before the appropriate Civil Court in O.S. No. 486 of 2023 on the file of the Additional District Court, Salem, and will be decided on its own merits. The mere issuance of a legal heirship certificate will not stand in the way. Even in future, if the petitioners are able to establish that the 4th respondent had



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murdered their daughter or abetted the murder of their daughter, then only the disqualification under Sections 25 and 27 of the Hindu Succession Act, 1956 will get attracted.

4. In view thereof, as on date, the legal heirship certificate cannot be interfered with and the Writ Petition lacks merits and as such is disposed of with liberty to the petitioners to pursue the Civil Suit filed by them and with the observation that mere issuance of legal heirship certificate will not come in the way of the Civil Court in considering the prayer of the petitioners on its own merits and in accordance with law. No costs. Consequently, the associated miscellaneous petition is closed.

07.03.2025

Neutral Citation : No

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