



W.P.No.10099 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 26.03.2025

CORAM:

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

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K.RAJKUMAR

... Petitioner

Vs

1. THE DISTRICT REVENUE OFFICER,
CHENNAI DISTRICT.
2. THE REVENUE DIVISIONAL OFFICER,
CENTRAL CHENNAI DIVISION,
CHENNAI.
3. THE TAHSILDAR,
AMINJIKARAI TALUK,
CHENNAI.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the entire records of the first respondent impugned order Se.Mu.As.No.U6/e-2532993/2024 dated 24.01.2025 and quash the same and consequently directed the respondents to cancel the legal heirs certificate No.TN-7202207292083 dated 06.08.2022 and issue fresh legal heirs certificate with inclusion of all the legal heirs name including the petitioner name in accordance with law.



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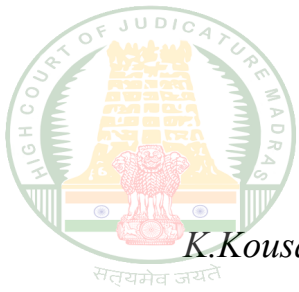
For Petitioner : Mr.N.Naganathan
For R1 to R3 : Mr.R.Neelakandan
Additional Advocate General
assisted by Dr.S.Suriya
Additional Government Pleader

ORDER

Heard, *Mr.N.Naganathan*, the learned counsel appearing for the petitioner and *Mr.R.Neelakandan*, the learned Additional Advocate General appearing for the respondents.

2. Upon hearing the learned counsel appearing for the petitioner and perusing the affidavit filed in support of the writ petition, the appeal filed by the petitioner and the impugned order, it can be seen that there is a dispute regarding who is the legally wedded wife of the petitioner's father, *Mr.V.Krishnaswamy*, who passed away on 14.07.2022. It is the case of the petitioner that the name of one *K.Kousalya* has been wrongly included in the legal heirship certificate. After inquiry, the appellate authority found that the petitioner's father had been living with three women. Therefore, the appellate authority has directed the petitioner to approach the competent Civil Court.

3. The learned counsel appearing for the petitioner submits that since



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K.Kousalya was married second to the petitioner's father, when the first wife was alive and the first marriage was valid and subsisting, the inclusion of *K.Kousalya* name is erroneous.

4. It can be seen that, now after the judgment of the Hon'ble Full Bench of this Court and the issuance of the Government Orders based on the Hon'ble Full Bench, legal heirship certificates are nothing but a relationship certificates and will not finally determine the rights of the parties. In cases of dispute, the Civil Court can decide the matter on its merits by considering all the other evidence. A legal heirship certificate is neither conclusive evidence nor does it finally determine the rights of the parties to inherit or other *inter se* rights between the parties.

5. In view of the peculiar facts and circumstances that the petitioner's father had relationships with three women and it has to be decided who is the legally wedded wife, admittedly, the respondent authorities doesn't have the wherewithal to decide the same. Therefore, there is nothing wrong in relegating the petitioner to the competent Civil Court.

6. With the observation that the legal heirship certificate is nothing but a



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relationship certificate and will not in any manner determine the rights of the parties with respect to inheritance or the status of a person as a wife and with liberty to raise the same before the appropriate authorities or the Civil Court, this writ petition stands disposed of. No costs.

26.03.2025

Neutral Citation: Yes/No
nsl

To

1. THE DISTRICT REVENUE OFFICER,
CHENNAI DISTRICT.
2. THE REVENUE DIVISIONAL OFFICER,
CENTRAL CHENNAI DIVISION, CHENNAI.
3. THE TAHSILDAR,
AMINJIKARAI TALUK,
CHENNAI.

D.BHARATHA CHAKRAVARTHY, J.



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