



WEB COPY

WP No. 11494 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-07-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 11494 of 2025

and

WMP No.12981 of 2025

KAVITHARANI

Petitioner(s)

Vs

1.District Revenue Officer
Coimbatore District, Coimbatore.

2.Revenue Divisional Officer,
Revenue Divisional Office, Erode.

3.The Tahsildar (North),
Coimbatore.

4.Shanmugam

5.Krishnakumar

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the cancellation of the legal heir certificate in the proceedings of the



2nd respondent in Na. Ka. No 551 / Aa2 / 2023 , dated 05.07.2023 and subsequently an impugned order issued by the 1st Respondent in her proceedings in Na.Ka. No 1377240/ 2023/ A1, dated 28.01.2025 in confirming the same against the petitioner herein and legal heir certificate used by the 3rd respondent in TN 7202308181330, dated 14.09.2023 and TN-7202308181803, dated 28.08.2023 in favour of the 4th and 5th respondents and to quash the same and consequently issue appropriate directions directing the respondents herein to issue legal heir certificate to the petitioner and within such time as may be prescribed by this Court.

For Petitioner(s): Mr.M.Karthik

For Respondent(s): Mr.R.Neelakandan,
Additional Advocate General
assisted by Mr.P.R.Puruganraja,
Government Advocate
for R1 to R3
Mr.M.V.Shankar for R4 & R5

ORDER

This Writ Petition has been filed challenging the impugned proceedings of the 2nd respondent dated 05.07.2023 and the subsequent order passed by the 1st respondent dated 28.01.2025 and for a direction to the 3rd respondent to issue legal heirship certificate pursuant to the demise of the petitioner's husband Selvaraj.



2. Heard Mr.M.Karthik, learned counsel appearing for the petitioner,

Mr.R.Neelakandan, learned Additional Advocate General appearing for the respondents 1 to 3 and Mr.M.V.Shankar, learned counsel appearing for the respondents 4 and 5.

3. The legal heirship certificate issued to the petitioner has been cancelled merely on the ground that the petitioner was initially married to one Venkatachalapathy and during the subsistence of the first marriage, she is said to have married the said Selvaraj. Hence, the very marriage between the petitioner and Selvaraj is not in accordance with law.

4. In the considered view of this Court, the reasons assigned by the 1st and 2nd respondents does not suffer any illegality. It was ascertained through the reports that the petitioner was already married to one Venkatachalapathy and this marriage was not dissolved in the manner know to law. Therefore, there is no question of issuing legal heirship certificate in the name of the petitioner on the demise of Selvaraj, on the only ground that the petitioner was living with Selvaraj as wife.



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5. The learned counsel for the petitioner submitted that there is a son out of the marriage between Selvaraj and the petitioner and therefore the online legal heirship certificate must include the name of the son.

6. If there is a son born out of the relationship between the petitioner and the said Selvaraj, it is left open to the son to submit an application to the Tahsildar and on receipt of the same, the Tahsildar can conduct enquiry and ascertain the relationship and thereafter take a decision in accordance with law. Except giving this liberty no further directions can be passed in this Writ Petition.

7. This Writ Petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

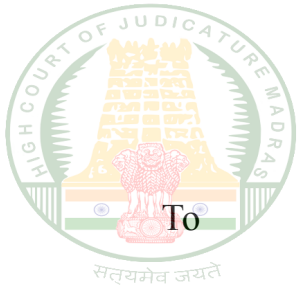
28-07-2025

dsa

Index : Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No



To

1. District Revenue Officer
Coimbatore District, Coimbatore

2. Revenue Divisional Officer
Revenue Divisional Office, Erode

3. The Tahsildar (north)
COIMBATORE

4. SHANMUGAM
S/o Palanisamy 6a, Oorgounderthottam
Chinnavedampatti, Coimbatore 641
049

5. KRISHNAKUMAR
S/o Palanisamy 6, Oorgounderthottam
Chinnavedampatti, Coimbatore 641
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