



W.P.No.12056 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 04.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.12056 of 2025

Sudha Soundar Rajan

... Petitioner

Vs.

1.The District Collector
Chennai District
Chennai.

2.The Tahsildar
Mambalam Taluk Office
Chennai 600 017.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the second respondent by in his proceedings in Che.Mu.Aanai.No.E1/467/2025, dated 13.03.205 to quash the same and



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consequently, direct the second respondent herein to issue legal heir certificate of deceased Mrs.Chinthamani in the light of W.P.No.7978 of 2025 dated 07.03.2025 and pass orders, within a reasonable time frame by this Court.

For Petitioner : Mr.P.Murali

For Respondents : Mr.R.Neelakandan
Additional Advocate General-VIII
Assisted by
Mr.S.Balamurugan
Government Advocate

ORDER

This Writ Petition is filed challenging the impugned order dated 13.03.2025. By the said order, the application that is made by the petitioner for issuance of legal heirship certificate by showing as one of the legal heir of one Chinthamani is rejected by the respondents.

2. Upon hearing the learned counsel for the petitioner and the learned Additional Advocate General appearing on behalf of the respondents and perusing the affidavit filed in support of the Writ Petition and the other



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material records of the case, it can be seen that one Chinthamani died on 21.03.2017. Her husband predeceased her on 24.12.1992 the couple did not have any children. The parents of Chinthamani had also predeceased her. This petitioner is the daughter of one Rangamani who is the sister of Chinthamani. Rangamani also predeceased her having died on 24.02.1997.

3. In view thereof, as per Section 15 (d) of the Hindu Succession Act, 1956, tracing the relationship through the father of the deceased person the petitioner can claim to be the legal heir as there is no other heir in the preceding hierarchy. Therefore, the petitioner has made the application and the same is now rejected by the respondents. The impugned order states that since the father and the parents have also since died and they also died in without any issues legal heirship certificate could not be issued. But on a reading of the Full Bench judgment in the case of *P.Venkatachalam and Ors. Vs. The Tahsildar, Kumarapalayam Taluk and Ors in W.P.No.25247 of 2021* of this Court and the concerned Government orders, it can be seen at least the name of the mother of the petitioner can be mentioned in the legal heirship certificate as the pre-deceased heir and the certificate can be issued.



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Even otherwise, if the petitioner is the only Class-II legal heir which can be traceable as per Section 15 of the Hindu Succession Act, the petitioner name can also be mentioned.

4. In view thereof, this Writ Petition is ordered on the following terms;

(i) The impugned order dated 13.03.2025 shall stand set aside. The matter is remitted back to the file of the second respondent, the second respondent shall consider the request and pass orders, mentioning the relationship as mentioned in the Government order at least by including the name of Rangamani as pre-deceased sister of the said Chinthamani which can be utilised by the petitioner to claim legal heirship. With the aforesaid, the said exercise shall be completed within a period of 8 weeks from the date of receipt of the web copy of the order, without waiting for the certified copy of the order.

(ii) No costs.

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Neutral Citation : No
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To

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D.BHARATHA CHAKRAVARTHY, J.
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