



W.P.No.16006 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 30.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.16006 of 2025

and

WMP.No.18108 of 2025

Y.Muthuraj

... Petitioner

Vs.

The Tahsildar
Tondiarpet Taluk
Chennai 600 081.

...Respondent

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 impugned communication issued by the respondent vide application No.TN-72025022641426 dated 26.02.2025 and quash the same as illegal and consequently direct the respondent to issue legal heir certificate in favour of the petitioner as legal heirs of late Yoganathan respectively within the time that may be stipulated by this Court.



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For Petitioner : Mr.M.Chinnathambi

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

Dr.S.Suriya
Additional Government Pleader

ORDER

This Writ Petition is filed challenging the order of rejection of the petitioner's application that was made for issue of legal heirship certificate.

2. Upon hearing the learned counsel for the petitioner and the learned Additional Advocate General appearing on behalf of the respondent, it can be seen that one Yoganathan died on 04.12.2024, it seems that he had relationship with two women. According to the petitioner, one Radha, the mother of the petitioner is the only wife of the said Yoganathan, whereas one Stella Marry erroneously objects to the same. According to the learned Additional Advocate General, the said Stella Marry has objected to issue of the legal heirship certificate and also produced a marriage registration and it



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is her case that the petitioner's mother had got re-married to third person even during the lifetime of the said Yoganathan.

3. Be that as it may, when the legal heirship certificate is applied, merely on the objection that is made by Stella Marry, the entire application need not be rejected the petitioner claims to be the son of the first wife. With reference to the legally wedded wife, an enquiry can be made and whoever is the legally wedded wife can be included in the legal heirship certificate. In any event, the petitioner name has to be included in the legal heirship certificate.

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

(i) The impugned action of the respondent communicated by an SMS on 06.03.2025 shall stand set aside and the application made vide Application No.TN-7202502261426 dated 26.02.2025 shall stand restored to the file of the respondent;



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(ii) The respondent shall issue notice to the petitioner, the said Radha or any other person, who is interested in the matter and after hearing all the parties shall decide and accordingly issue the legal heirship certificate;

(iii) The aforesaid exercise shall be completed within a period of 12 weeks from date of receipt of the web copy of the order, without waiting for the certified copy of the order.

(iv) No costs. Consequently, connected Miscellaneous Petition is closed.

30.04.2025

Neutral Citation : No
dna

To

The Tahsildar
Tondiarpet Taluk
Chennai 600 081.



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D.BHARATHA CHAKRAVARTHY, J.
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