



Writ Petition No.17913 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.17913 of 2025

V.Durai

S/o.Late.R.Varadha Pillai

Petitioner

Vs

The Tahsildar

Ambattur Taluk Office,

Thiruvallur District.

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondent, The Tahsildar, Ambattur Taluk Office, Thiruvallur District, to direct respondent to issue the petitioner the Legal Heirship Certificate to Late Mrs.Thulasi Bai within a stipulated period as fixed by this Court considering the petitioner's age within a stipulated time.

For Petitioner : Ms.S.Santhi

For Respondent : Mr.R.Neelakandan,
Additional Advocate General
assisted by Mr.G.Velu
Additional Government Pleader



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ORDER

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This writ petition has been filed seeking issuance of a writ of mandamus directing the respondent to issue legal heirship certificate of Late Mrs.Thulasi Bai based on the application given by the petitioner.

2. Heard Ms.S.Santhi, learned counsel for petitioner and Mr.R.Neelakandan, learned Additional Advocate General assisted by Mr.G.Velu, learned Additional Government Pleader, for respondent.

3. The case of the petitioner is that his brother V.Ethirajan married one Thulasi Bai. The petitioner's brother died on 19.08.2012. Thereafter, the said Thulasi Bai applied for legal heirship certificate and the legal heirship certificate was also granted by showing the said Thulasi Bai as the legal heir of the deceased V.Ethirajan. The further case of the petitioner is that the said Thulasi Bai died on 06.09.2022. Before her demise, she had executed a Will in favour of the petitioner by bequeathing the property.

4. The petitioner approached the Sub Court, Ambattur and filed a suit for permanent injunction. While filing this suit, the petitioner also



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relied upon the Will executed by Thulasi Bai in favour of the petitioner.

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The suit papers were returned by the Registry by pointing out some defects. One of the defect is that the petitioner did not file the legal heirship certificate of Thulasi Bai. In view of the same, the petitioner applied for legal heirship certificate and it was not considered by the respondent. It is under these circumstances, the present writ petition has been filed before this Court.

5. In the considered view of this Court, the petitioner cannot apply for a legal heirship certificate of his sister-in-law and that goes beyond the scope of enquiry and the relevant Government Order issued in this regard. Ultimately, the petitioner has already approached the civil Court and the civil Court can always determine the relationship between the petitioner and the said Thulasi Bai. A civil Court need not rely upon a legal heirship certificate since such a certificate will not bind the civil Court and the civil Court shall independently decide the relationship. Therefore, the Court before which the suit has been filed need not insist upon the legal heirship certificate and the relationship between the petitioner and Thulasi Bai can be independently ascertained. This clarity will take care of the grievance expressed by the petitioner.



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N.ANAND VENKATESH, J

gm

This writ petition is disposed of in the above terms. No costs.

04.06.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order

gm

To

The Tahsildar
Ambattur Taluk Office,
Thiruvallur District.

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