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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-06-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**WP No. 16065 of 2025
and WMP No. 18189 of 2025**

K.Amul

Petitioner(s)

Vs

The Tahsildar,
Office Of Tahsildar, Walajabad.

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, call for records relating to the impugned order passed by the respondent vide Na.Ka.No.220/2025/A2, dated 20.03.2025 and quash the same.

For Petitioner(s): Mr.Abishek A M

For Respondent(s): Mr.R.Neelakandan
Additional Advocate General
assisted by
Mr.T.M.Rajangam
Government Advocate

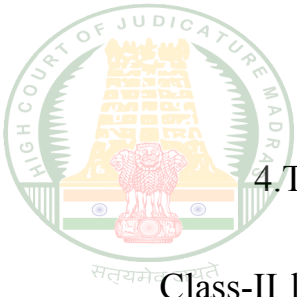
**ORDER**

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This writ petition has been filed challenging the impugned proceedings of the respondent dated 20.03.2025 and for a consequential direction to the respondent to issue legal heirship Certificate in favour of the petitioner as Class-II legal heir of Late.Rajagopal Pillai.

2.Heard Mr.A.M.Abishek, learned counsel appearing on behalf of the petitioner and Mr.R.Neelakandan, learned Additional Advocate General appearing on behalf of the respondent.

3.The case of the petitioner is that the said Rajagopal Pillai is his uncle (petitioner's father's brother). The said Rajagopal Pillai and his wife Muniyammal died in the year 1988 and 2006 respectively. They did not have any issues. The petitioner claims to be the only surviving legal heir, since his brother Nageswararao also died in the year 2024. According to the petitioner, he is a Class-II legal heir under the Hind Succession Act, 1956.



4. The petitioner submitted an application to the respondent to issue Class-II legal heir Certificate to enable the petitioner to deal with the property.

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The said representation came to be rejected by the respondent through the impugned proceedings dated 20.03.2025 on the ground that the petitioner was not able to establish his relationship with the deceased and there were no documents produced to substantiate the same. Aggrieved by the said order, the present writ petition has been filed before this Court.

5. This Court carefully went through the Government Order in G.O.No.110, dated 13.03.2024 and also the documents that were submitted by the petitioner along with the application.

6. Insofar as the documents that were submitted by the petitioner, it only contained the Death Certificate of Rajagopal Pillai, the Death Certificate of his wife Muniyammal, the Death Certificate of the brother of the petitioner Nageswararao, the Aadhar Card of the petitioner and a registered document.

There was absolutely no material to establish the relationship between the



deceased Rajagopal Pillai and the father of the petitioner. In view of the same,

the respondent came to a conclusion that there were no materials available to

establish the relationship of the petitioner with the deceased and therefore,

refused to issue Class-II legal heir Certificate to the petitioner. This reasoning

tendered by the respondent does not suffer from any illegality.

7. Insofar as the Government Order referred *supra*, the Class-II legal heir Certificate insofar as a case where both spouses have died without children, the same will be issued either to the parents of the deceased or to the siblings of the deceased. According to the petitioner, the brother of the deceased Rajagopal Pillai, who is the father of the petitioner, has died and therefore, the petitioner is claiming his right under his father. The Government Order does not speak about granting Class-II legal heirship Certificate to the son or daughter of the siblings of the deceased. This is yet another issue that goes against the petitioner.

8. It is not necessary for this Court to interpret the Government Order at this stage, since this Court does not find any illegality in the reasoning that has



been assigned by the respondent while rejecting the application submitted by the petitioner. Admittedly, the petitioner has not establish his relationship with the deceased Rajagopal Pillai. A mere *ipse dixit* of the petitioner will not enable the petitioner to get the Class II legal heir Certificate. Therefore, unless and otherwise, the petitioner is able to establish his relationship by submitting the relevant documents/affidavits and an enquiry is conducted by the respondent on the same to conclude that the petitioner is a Class II legal heir of the deceased, there is no scope for issuing any positive directions to the respondent. Except giving this clarity, no further orders can be passed in this writ petition.

9.This writ petition is disposed of in the above terms. No Costs.
Consequently connected miscellaneous petition is closed.

02-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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The Tahsildar,
Office Of Tahsildar, Walajabad.



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N.ANAND VENKATESH J.

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