



W.P.No.17835 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 04.06.2025

CORAM

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P.No. 17835 of 2025

M.Smyrna

... Petitioner

Vs.

1.The Tahsildhar,
Ambattur Taluk,
Chennai - 600 053.

2.C.Saraswathy

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 1st respondent in Na.Ka.No.A2/4690/2024 dated 06.02.2025, and to quash the same and consequently direct the 1st respondent to issue the legal heir certificate for the deceased mother of the petitioner, Mrs.Metilda, died on 28.12.2018, by specifying the name of the petitioner as "Smyrna, daughter of Mrs.Metilda" without insisting the name of the father for the purpose of records.



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For Petitioner : Mr.P.G.Thiyagu

For Respondents : Mr.R.Neelakandan
Additional Advocate General assisted by
Mr.K.Suresh
Government Advocate for R1

ORDER

This writ petition has been filed challenging the impugned proceedings of the 1st respondent dated 06.02.2025 and for a consequential direction to the 1st respondent to issue legal heirship certificate for the deceased mother of the petitioner by showing the petitioner as her legal heir.

2. Heard Mr.P.G.Thiyagu, learned counsel appearing on behalf of the petitioner and M.R.Neelakandan, learned Additional Advocate General assisted by Mr.K.Suresh, learned Government Advocate appearing for the 1st respondent.

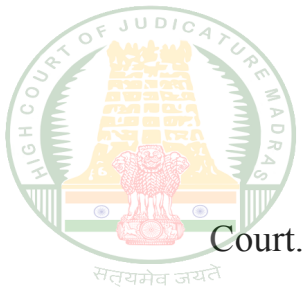
3. The petitioner was born to late Mrs.Metilda, wife of S.Chandrasekaran. The said Metilda had initially married one George Dheenathayalan. This marriage failed and ended in divorce before the Family Court, Chennai in O.P.No.893 of 1991 by judgment dated 04.11.1991. Thereafter, the said Metilda married S.Chandrasekaran and out



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of this wedlock, the petitioner born on 09.08.1993. At the time of her birth, the petitioner was named as "Saranya". Unfortunately, father abandoned the family and was not heard of, the mother brought up the petitioner and in the course of time, the name of the petitioner was changed as "Smyrna", after following the appropriate procedure and publishing the same in the Government Gazette dated 15.02.2006. Probably, better sense prevailed and the said Chandrasekaran re-joined the family later in the year 2020. The mother of the petitioner died on 24.10.2023.

4. After the demise of the mother, the petitioner applied for legal heirship certificate before the 1st respondent. The petitioner was called for an enquiry and she attended the same along with her sisters, who were born to Metilda through the 1st husband. In spite of giving the explanation, the impugned proceedings came to be issued by the 1st respondent dated 06.02.2025, refusing to issue legal heirship certificate on the ground that there is a discrepancy in the name of the husband of Metilda and that part, objections were raised by the 2nd respondent who happens to be the daughter of the same person, Chandrasekaran through the 2nd marriage. Aggrieved by the same, the present writ petition has been filed before this



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Court.

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5. The case in hand is quite unfortunate, since the petitioner is now caught in cross fire. There are material documents available to show that Metilda is the wife of Chandrasekaran and the same is borne out by the medical record of the petitioner's mother issued by the Medical Officer of Ayanavaram Sterilisation Theatre Unit, Corporation of Madras. That apart, in the original birth certificate that was issued when the petitioner's name was Saranya, there is mention of the name of Metilda, wife of Chandrasekaran. The change of name of the petitioner as Smyrna is also borne out by the Government gazette dated 15.02.2006. Unfortunately, the death certificate that was issued to Metilda carried the name of the husband as George Dheenathayalan, who was the 1st husband and with whom the marriage was dissolved by a judgment passed by the Family Court in O.P.No.893 of 1991.

6. The petitioner only wants legal heirship certificate of the mother and the records shows that the petitioner is the daughter of late P.Metilda. The petitioner had informed the authorities that there are sisters born to the



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1st husband and their names can also be added in the legal heirship certificate. The 2nd respondent cannot have any objections, if the petitioner is receiving legal heirship of her mother.

7. In the light of the above discussion, the impugned proceedings of the 1st respondent dated 06.02.2025 is hereby quashed and there shall be a direction to the 1st respondent to issue legal heirship certificate in the name of the deceased mother of the petitioner "Metilda" by mentioning the name of the petitioner as "Smyrna" and also include the name of the daughters who were born to Metilda through the 1st marriage. This process shall be completed by the 1st respondent within a period of six(6) weeks from the date of receipt of copy of this order.

8.This writ petition is **allowed** with the above directions. No costs.

04.06.2025

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Internet : Yes/No
Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No

N.ANAND VENKATESH, J.

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To:
1.The Tahsildhar,
Ambattur Taluk,
Chennai - 600 053.

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