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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-07-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**WP No. 19363 of 2025
and WMP No. 21614 of 2025**

Edwin Irudya Raj

Petitioner(s)

Vs

1. The District Collector
Chennai District,
Rajaji Salai, Chennai 60 0 001.

2.The Tahsildar
Alandur Taluk, Chennai District

3.Clara Antony

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records bearing Legal Heir ship Certificate No. TN 720250315785 dated 31.03.2025 issued by the 2nd respondent and quash the same and consequently direct the 2nd respondent to reissue certificate as per section 33 of Indian Succession Act, 1925 by excluding the 3rd respondent name.



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For Petitioner(s): Mr.K.Venkatasubban for
Mr. R.Suryanarayanan

For Respondent(s): Mr.R.Neelakandan
Additional Advocate General assisted by
Mr.R.P.Murugan Raja
Government Advocate for R1 and R2
Mr.N.Kumar Rajan for R3

ORDER

This writ petition has been filed challenging the legal heirship certificate issued by the 2nd respondent dated 31.03.2025 and for a consequential direction to the 2nd respondent to reissue the Certificate as per Section 33 of the Indian Succession Act, 1925, by excluding the name of the 3rd respondent.

2.Heard Mr.K.Venkatasubban, learned counsel appearing on behalf of the petitioner, Mr.R.Neelagandan, learned Additional Government Pleader appearing on behalf of respondents 1 and 2 and Mr.N.Kumar Rajan, learned counsel appearing on behalf of the 3rd respondent.

3.The case of the petitioner is that he got married to one Agnela on 06.06.2019. Through the wedlock, they had a son named Sam Antony born in



the year 2021. Thereafter, the petitioner's wife passed away due to illness on

19.01.2025. When the petitioner applied for the legal heirship certificate, the

name of the 3rd respondent who is the mother-in-law of the petitioner was

included. Aggrieved by the same, the present writ petition has been filed before

this Court.

4.The learned counsel for the petitioner submitted that the 3rd respondent is only the mother of the deceased and the parties are governed by the Indian Succession Act and therefore, the 2nd respondent ought to have issued legal heirship certificate only in line with Section 33 of the Act. To substantiate his submission, the learned counsel relied upon the order passed by this Court in W.P.No.26544 of 2022 dated 05.12.2022 and W.P.(MD)No.677 of 2024 dated 11.01.2024.

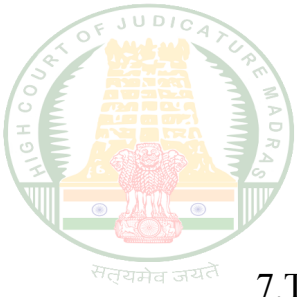
5.The learned Additional Advocate General appearing on behalf of the official respondents submitted that the 2nd respondent is not deciding the rights between the parties and that the legal heir ship certificate is more in the nature



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of relationship certificate. The learned Additional Advocate General by bringing to the notice of this Court that G.O.Ms.No.110, dated 13.03.2024, submitted that the Certificate is only a relationship certificate indicating the names of the persons and their relationship with the deceased. It is also made clear that the certificate cannot be equated to a Succession Certificate issued by a Court. That apart, the certificate issued by the Tahsildar will not affect the legal right of any party and it has no bearing on the status of the legal heir which is conferred on an individual under his/her personal law.

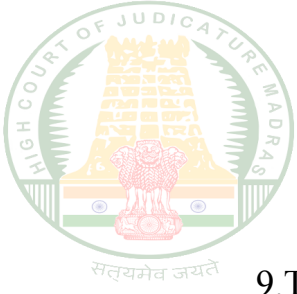
6. In the considered view of this Court, the submission made by the learned Additional Advocate General carries a lot of weight. The 2nd respondent is not an authority who decides the *inter se* rights between the parties. The certificate issued by the Tahsildar does not have any bearing on the legal right of any party, since such parties are governed by their personal law. At the best, the legal heirship certificate is only a relationship certificate and nothing more.



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7. The grievance expressed by the learned counsel for the petitioner is that the 3rd respondent taking advantage of the legal heirship certificate is attempting to claim custody rights over the child.

8. It is made clear that just because the name of the 3rd respondent was included in the legal heirship certificate, that does not in any way create any fresh right in favour of the 3rd respondent, since the parties are governed by their personal law while deciding the *inter se* dispute. Therefore, the legal heirship certificate that is relied upon by the 3rd respondent, at the best can only indicate the fact that the 3rd respondent was the mother of the deceased and nothing more. Therefore, the concerned Court where the petition is pending shall deal with the petition on its own merits and in accordance with law without being swayed by the legal heirship certificate issued by the 2nd respondent. This observation will sufficiently take care of the grievance expressed by the petitioner.



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

Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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- 1.The District Collector
Chennai District, Rajaji Salai,
Chennai 60 0 001.
- 2.The Tahsildar
Alandur Taluk, Chennai District



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N.ANAND VENKATESH J.

SSR

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