



WEB COPY



W.P.No.20375 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2025

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

W.P.No.20375 of 2025

AND

W.M.P.Nos.22965 & 22966 of 2025

Chandgari Munna

.. Petitioner

Vs.

1.The Tahsildar
Ponneri Taluk
Tiruvallur District

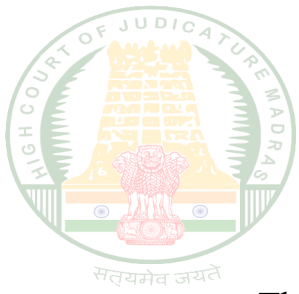
2.N.Shoba Rani

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records relating to the impugned legal heir certificate issued in favour of the 2nd respondent vide certificate No.TN-7202502061510 dated 14.02.2025 passed by the 1st respondent quash the same as illegal, arbitrary and ultra vires.

For Petitioner : Mr.M.Dinesh

For 1st Respondent : Mr.R.Neelakandan
Additional Advocate General
Assisted by Mr.G.Velu
Additional Government Pleader



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ORDER

This writ petition has been filed challenging the Legal Heirship Certificate issued by the 1st respondent in favour of the 2nd respondent.

2. Heard the learned counsel for the petitioner and the learned Additional Advocate General, assisted by Mr.G.Velu, learned Additional Government Pleader, appearing on behalf of the 1st respondent and perused the materials placed on record.

3. The case of the petitioner is that he was married to one Vanitha Narasimha and two children were born out of that marriage. Unfortunately, the petitioner's wife committed suicide by hanging on 08.03.2021. After her demise, the petitioner applied for Legal Heirship Certificate and the Legal Heirship Certificate was issued by mentioning the name of the petitioner and two children. While so, the 2nd respondent had managed to independently make an application before the 1st respondent and without notice to the petitioner, her name was included in the Legal Heirship Certificate. It is under these circumstances, the present writ petition has been filed before this Court.

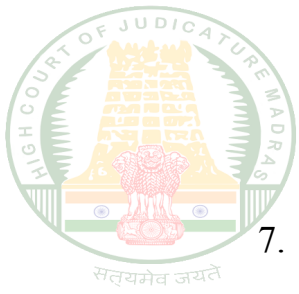


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4. It is true that whenever any civil consequences ensue by virtue of any proceedings, the person who will be aggrieved must be put on notice and he must be given an opportunity. However, there is a theory called “useless formality theory”. This means that even if an opportunity is given, if it is going to result in the same consequence, the Court will not interfere with an order, just because the same took place without notice. In other words, fulfilling the mandate of issuance of notice will only be a useless formality, since consequence will be the same.

5. In the case in hand, the 2nd respondent is admittedly the mother of the deceased. Hence, she will obviously be a class-I legal heir. The Legal Heirship Certificate is given only by notifying the names of the legal heirs and it does not entitle a person to claim right over the property or any other right with the help of Legal Heirship Certificate, more particularly, where there is a challenge by the other legal heirs.

6. The learned counsel for the petitioner submitted that the 2nd respondent has included her name in the Legal Heirship Certificate only with a view to claim guardianship over the children and to claim right over the properties.



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7. Insofar as the right over properties is concerned, it will be governed by

Section 15 of the Hindu Succession Act, 1956. Therefore, unless and otherwise the 2nd respondent is able to satisfy the requirements of Section 15 of the said Act, she will not get any right over the property, just because her name has been included in the Legal Heirship Certificate. Insofar as the claim for guardianship is concerned, it is now too well settled that that same is decided only by taking into consideration the welfare of the children. Hence, the Legal Heirship Certificate, by itself, will not entitle the 2nd respondent to claim for guardianship of the children. Therefore, the apprehension that has been raised by the learned counsel for the petitioner is sufficiently answered.

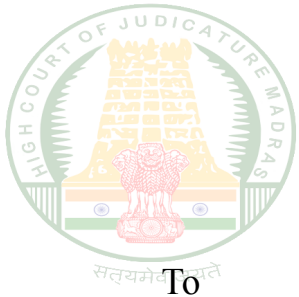
8. In the light of the above discussion, this Court does not find any ground to interfere with the Legal Heirship Certificate issued by the 1st respondent and accordingly, this writ petition stands dismissed. No costs. Connected W.M.Ps are closed.

09.06.2025

Index : Yes/No

Neutral Citation : Yes/No

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To
The Tahsildar
Ponneri Taluk
Tiruvallur District



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N. ANAND VENKATESH, J.

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