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W.P.No.20075 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2025

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.20075 of 2025

1. S.G.Sivakumaar
2. S.Sivashankar

.. Petitioners

VS

1. The District Collector
Kancheepuram District, Kancheepuram.

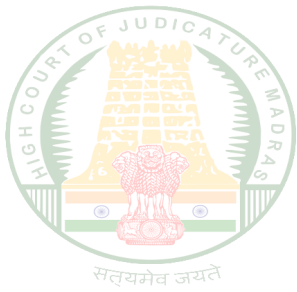
2. The Tahsildar
Sriperumbudur Taluk, Sriperumbudur
Kancheepuram District.

3. G.Jansi Rani

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking a writ of certiorarified mandamus, calling for the records of the impugned legal heir certificate dated 31.07.2015 issued by the second respondent vide in his proceedings in Pa.Mu.26217/2015/A3 dated 31.07.2015 and quash the same and to direct the second respondent to restore the legal heir certificate issued by the second respondent to the petitioners in Pa.Mu.31663/2014/A3 dated 20.12.2014.

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For Petitioners : Mr.T.Karunakaran
For Respondents : Mr.G.Velu
Additional Government Pleader
for R1 and R2

ORDER

This writ petition has been filed challenging the impugned legal heir certificate dated 31.07.2015 issued by the second respondent and to direct the second respondent to restore the legal heirship certificate that was issued by the second respondent to the petitioners dated 20.12.2014.

2. Heard *Mr.T.Karunakaran*, learned counsel for the petitioners and *Mr.G.Velu*, learned Additional Government Pleader for respondents 1 and 2.

3. The case of the petitioners is that their father married *Shri.G.Banumathi* and through the wedlock, the petitioners were born. The mother of the petitioners died on 14.07.2001. It seems that the petitioners' father developed a relationship with one *G.Jansi Rani*, who is the third respondent. Ultimately, the petitioners' father died on

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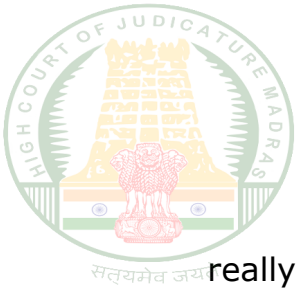
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17.10.2013. Thereafter, the petitioners applied for legal heirship certificate and the legal heirship certificate was issued by mentioning the names of the petitioners.

4. The grievance of the petitioners is that the third respondent filed a suit in O.S.No.305 of 2014 and managed to get an *ex parte* decree dated 18.04.2015 and by virtue of this decree, the third respondent has also managed to get her name included in the legal heirship certificate and in that process, the legal heirship certificate, that was already issued to the petitioners, was cancelled. Aggrieved by the same, the present writ petition has been filed before this Court.

5. The learned counsel for the petitioner submitted that already steps are being taken to challenge the decree passed in O.S.No.305 of 2014 dated 18.04.2015, since such a decree was obtained behind the back of the petitioners. The learned counsel submitted that the judgment and decree passed in O.S.No.305 of 2014 dated 18.04.2015 does not entitle the second respondent to cancel the legal heirship certificate that was already granted in the name of the petitioners. If

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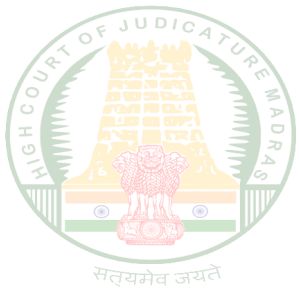


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really the Tahsildar was complying with the decree passed by the Civil Court, he should have issued a fresh legal heirship certificate in the name of the third respondent and in any case, the petitioners would have challenged the same. However, the third respondent has cancelled the legal heirship certificate that was issued in the name of the petitioners earlier through proceedings dated 20.12.2014, which ought not to have been done by the second respondent.

6. In the considered view of this Court, there is no dispute with regard to the fact that already legal heirship certificate was issued in the name of the petitioners. Pursuant to the decree passed in O.S.No.305 of 2014, the fresh legal heirship certificate was issued by the second respondent by adding the name of the third respondent and the names of the petitioners were also included in the legal heirship certificate. Therefore, the only difference between the previous legal heirship certificate and the present legal heirship certificate, that has been put to challenge, is that there is addition of the name of the third respondent in the certificate.



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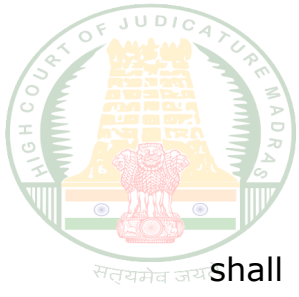
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7. The second respondent had no other choice except to include the name of the third respondent in the legal heirship certificate because of the *ex parte* decree passed by the Civil Court. If according to the petitioners, some decree is obtained behind the back of the petitioners and is *non est* in the eye of law, they can always question the said decree and get the name of the third respondent removed from the legal heirship certificate. Till that process is undertaken and the decree is set aside, the second respondent cannot refuse to add the name of the third respondent in the legal heirship certificate.

8. In light of the above discussion, the impugned legal heirship certificate, that was issued by the second respondent, as such, does not call for any interference. It is made clear that it is left open to the petitioners to question the decree that was passed in O.S.No.305 of 2014 and subject to the result of the proceedings, challenging the decree, it is left open to the petitioners to approach the second respondent.

9. This writ petition is disposed of in the above terms. There

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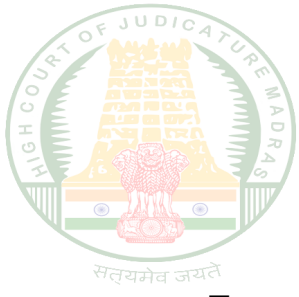
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shall be no order as to costs. Consequently, W.M.P.Nos.22639 and 22640 of 2025 are closed. W.M.P.No.22638 of 2025, petition filed to permit the petitioners to file a single writ petition, stands allowed, inasmuch as the petitioners have paid separate set of Court fee.

03.07.2025

Speaking Order/Non-Speaking Order.
Internet : Yes/No.
Index: Yes/No.
Neutral Citation: Yes/No

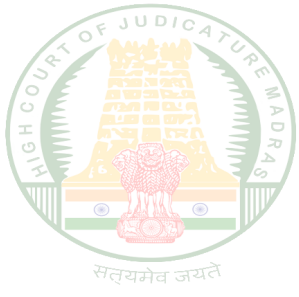
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- To
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Kancheepuram District, Kancheepuram.
 2. The Tahsildar
Sriperumbudur Taluk, Sriperumbudur
Kancheepuram District.



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N.ANAND VENKATESH, J.

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