



W.P.No.19147 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2025

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

W.P.No.19147 of 2024

1.S.Muruganantham
2.S.Ulaganayagi

.. Petitioners

Vs.

1.The District Collector
Singaravelar Maligai
Chennai

2.The Tahsildar
Purasaiwakkam
Chennai

3.S.Vasudevan

4.S.Kumaran
(RR3 & 4 impleaded *vide* order dt.21.7.2025 made
in W.M.P.4370 of 2025 in W.P.No.19147 of 2024)

.. 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 of the 2nd respondent in Ref: legal heirs certificate No.TN-720221205848 dated 13.12.2022 and quash the same and consequently direct the respondents to delete the name of Kumaran & Vasudevan in the legal heir certificate as per the petitioners representation dated 29.04.2024 within a time limit fixed by this Court.



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For petitioners : Mr.A.Edinbrough
For RR1 & 2 : Mr.R.Neelakandan
Additional Advocate General
Assisted by Mr.S.Balamurugan
Government Advocate
For RR3 & 4 : Mr.A.Suresh Sakthi Murugan
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned proceedings of the 2nd respondent dated 13.12.2022, wherein the names of the respondents 3 and 4 were included in the Legal Heirship Certificate that was issued after the demise of T.Sembu, S/o.Thambiran.

2. The case of the petitioners is that their father T.Sembu married Samundeeswari and through the wedlock, the petitioners were born. The said T.Sembu died on 15.12.1999, leaving behind Samundeeswari and the petitioners as his legal heirs. After the demise of T.Sembu, the petitioners' mother submitted an application before the Tahsildar for Legal Heirship Certificate. The Tahsildar rejected the application through proceedings dated 15.02.2000, on the ground that T.Sembu had two wives. The petitioners' mother filed O.P.No.564 of 2007 seeking for Succession Certificate and the said petition came to be allowed by this Court, by order dated 09.06.2008. While so,



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Legal Heirship Certificate has been issued by the 2nd respondent by including the names of the respondents 3 and 4, who were not born to T.Sembu. It is under these circumstances, the present writ petition came to be filed before this Court.

3. The 2nd respondent has filed a counter affidavit. The 2nd respondent has taken a stand that on enquiry, it came to light that T.Sembu had three wives. The petitioners were born to the 3rd wife. The respondents 3 and 4 were born to the 2nd wife viz., Maragadam. That apart, children were also born from the first marriage. Hence, while issuing Legal Heirship Certificate, the names of all the children were mentioned in the Legal Heirship Certificate. The names of the predeceased were also mentioned in the Legal Heirship Certificate.

4. The respondents 3 and 4 have also filed a counter and they have taken a stand that the said T.Sembu had in fact married their mother and he later developed a relationship with the mother of the petitioners. A divorce petition was filed by the mother of the respondents 3 and 4 on the ground of adultery in O.P.No.530 of 1984 and the petition was allowed through an *ex parte* order dated 18.11.1985. The respondents 3 and 4 have taken a further stand that they had a sister named Jayanthi who died on 08.05.2000. Thus, the respondents



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3 and 4 have justified their names being included in the Legal Heirship Certificate.

5. This Court has carefully considered the submissions made on either side and perused the materials available on record.

6. In the considered view of this Court, the above said T.Sembu seems to have married three women and there were children out of the three relationships. The names of all the children were mentioned in the Legal Heirship Certificate, which was issued after conducting an enquiry. This Court has repeatedly held that Legal Heirship Certificate does not decide the entitlement of the persons whose names have been included and such entitlement will be decided as per the personal law that governs the parties. The Legal Heirship Certificate merely provides for the relationship between the deceased and the persons whose names are found in the Legal Heirship Certificate.

7. In view of the above, this Court does not find any ground to interfere with the Legal Heirship Certificate that has been issued by the 2nd respondent. If the petitioners are seriously contesting the paternity of the



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respondents 3 and 4, they must only approach the competent civil Court and work out their remedy. Such an exercise can neither be entertained by the Tahsildar nor can it be considered by this Court exercising its jurisdiction under Article 226 of the Constitution of India. Therefore, it is left open to the petitioners to approach the competent Civil Court to work out their remedy.

With the above observation, this writ petition is disposed of.

No costs.

28.07.2025

(3/3)

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Index : Yes/No

Neutral Citation : Yes/No

To

1.The District Collector
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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2025

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH



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For petitioners : Mr.A.Edinbrough
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For RR3 & 4 : Mr.A.Suresh Sakthi Murugan



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ORDER

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The learned counsel for the petitioners wants to reargue the case. The same cannot be done under the caption 'for being mentioned'. Therefore, no further orders can be passed in this caption. However, it is seen that the counsel for R3 and R4 who are private respondents have been designated as the Special Government Pleader and the same shall be removed.

11.8.2025

kp

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