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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**

W.P.No.21192 of 2024
and WMP No.23138 of 2024

Ms.Santhana Lakshmi

.. Petitioner

.Vs.

- 1.The District Collector
4th Floor, M.Singaravelar Maaligai
62, Rajaji Salai, Chennai Collectorate
Chennai 600 001.
- 2.The Inspector General of Registration
No.100, Santhome High Road
Chennai 600 028.
- 3.Revenue Divisional Officer
Perambur Taluk Office
Chennai 600011.
- 4.The Tahsildar
Perambur Taluk
No.3, Bunder Garden
Perambur High Road
Perambur
Chennai 600 011.
- 5.Sub Registrar
Office of the Sub-Registrar
No.62, Perambur Barracks Road
Chennai 600007.



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6.Mr.Thirukumaran

7.N.Ayyakannu

8.N.Vignesh

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd and 4th respondent to cancel the fraudulent legal heir certificate dated 27.06.2016 in No.C2/02354/2017 issued by the 4th respondent within a time frame fixed by this Hon'ble Court and consequently direct the 2nd respondent to take appropriate action as against the 6th respondent in accordance with Section 82 and 83 of the Registration Act, 1908.

For Petitioner : Ms.K.Subashini Suresh

For Respondents : Mr.P.Ganesan
Government Advocate
for R1 to R5

ORDER

This writ petition has been filed challenging the legal heirship certificate dated 27.6.2016 issued by the 4th respondent on the ground that the name of the petitioner was not added in the legal heirship certificate. The petitioner has also sought for a



direction to the registration department to take appropriate action against the 6th respondent in accordance with Section 82 and 83 of the Registration Act, 1908.

2. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

3. The case of the petitioner is that she is the wife of late Vellaidurai. The name of her father-in-law is Muniyandi. The said Muniyandi died on 01.04.2016. His wife Paapammal predeceased him and she died on 17.5.2014. The petitioner's husband Vellaidurai died on 17.5.2014. After the demise of the said Muniyandi, the 6th respondent seems to have applied for legal heirship certificate and the legal heirship certificate dated 27.06.2017 was issued by the 4th respondent by only showing the name of the 6th respondent after recording the fact that other son Vellaidurai predeceased his father.

4. There is no dispute with regard to the fact that the petitioner is the wife of Vellaidurai. Under the schedule to the Hindu Succession Act, 1956, the widow of predeceased son is also considered to be a Class-I legal heir. If that is so, the name of the petitioner ought to have been added in the legal heirship certificate apart from adding the name of the 6th respondent.



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5.The further grievance of the petitioner is that taking advantage of the legal heirship certificate, the 6th respondent proceeded to deal with the property and the petitioner was deprived of her share in the property. Therefore, the petitioner has given a complaint to the registration department to take action against the 6th respondent under Section 82 and 83 of the Registration Act, 1908.

6.In the considered view of this Court, the issue with regard to depriving the petitioner of her share in the property, has to be independently worked out by the petitioner before the competent Civil Court. To that extent, liberty is granted by this Court.

7.Insofar as the legal heirship certificate is concerned, there shall be a direction to the 4th respondent to include the name of the petitioner in the legal heirship certificate apart from the name of the 6th respondent and a fresh legal heirship certificate shall be issued to the petitioner within a period of four weeks from the date of receipt of copy of the order.



This writ petition is disposed of with the above directions. No costs.

Consequently, the connected WMP is closed.

28.07.2025

Index : Yes/No

Neutral Citation : Yes/No

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