

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-06-2025

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CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 22842 of 2025

AND

WMP NO. 25659 OF 2025

1. IYAMMAL

W/o.Ponnusamy, 1/143a, Kottayur,
Kuppanur, Mukkanur Village,
Valasaiyur Karuvattam, Salem
District-636 122

Petitioner(s)

Vs

1. The Tahsildar

Office Of The Tahsildar, Salem,
Salem District

Respondent(s)

PRAYER

Writ petition filed under Article 226 of Constitution of India for the issue of writ of Certiorarified Mandamus to call for the records pertaining to the proceedings issued by the respondent in O.Mu.No.142/2022/A4 dated 25.6.2022 and quash the same and to direct the respondent issued legal heirs certificate in favour of the petitioner

For Petitioner(s): Mr.R.Muruga Bharathi

For Respondent: MR.R.Neelakandan
Additional Advocate General
Assisted by



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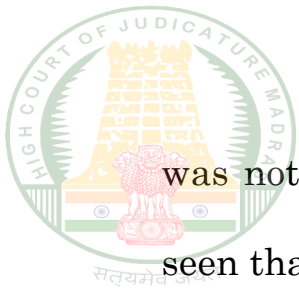
Mr.T.M.Rajangam,
Government Advocate

ORDER

This writ petition has been filed challenging the impugned proceedings of the respondent dated 25.06.2022 and for a consequential direction to the respondent to issue legal heir ship certificate pursuant to the demise of the petitioner's son Sivakumar.

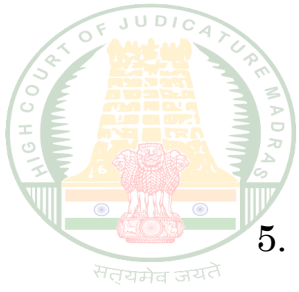
2. The case of the petitioner is that she had a son named Sivakumar and he was married to a women at Kerala and out of this wedlock, two sons and two daughters were born. Thereafter, the said Sivakumar seems to have married another women belonging to Udayapatti. The said Sivakumar died on 22.07.2017 leaving behind the petitioner, who is the mother, two sons and two daughters, who were married to his 1st wife. Hence, the petitioner submitted an application for legal ship certificate. Since the same has been rejected, the present writ petition has been filed before this Court.

3. The affidavit that has been filed in support of the writ petition is completely bereft of particulars. The name of the 1st wife has not even been mentioned in the affidavit and even the Tahsildar



was not able to ascertain the name of the 1st wife. On enquiry, it is seen that the deceased Siva Kumar is a much married person and the Tahsildar was not able to find out the names of other women whom the said Sivakumar had married. The Tahsildar was also not able to find out if any children were born out of those marriages. It is under these circumstances, the Tahsildar has rejected the application submitted by the petitioner.

4. This Court has repeatedly held that the legal heirship certificate is more in the nature of relationship certificate and it is not for the revenue authority to declare who are all the legal heirs of the deceased person. Hence, even though the nomenclature is given as legal heirship certificate, for all practical purposes, it is only a relationship certificate. When the petitioner is seeking for such a certificate, the petitioner is duty bound to give all the particulars to the Tahsildar to enable the Tahsildar to issue the certificate. The petitioner did not give the particulars of the name of the 1st wife and the petitioner did not give the particulars regarding any children born out of the other relationships developed by the said Sivakumar and therefore, the Tahsildar has rightly rejected the application submitted by the petitioner.



5. In view of the above, this Court is not able to find any ground to interfere with the impugned order dated 25.06.2022. It is left open to the petitioner to submit a fresh application by providing all the details of the legal heirs of late Sivakumar and if such an application is made, the respondent can conduct an enquiry and if the legal heirs are properly ascertained, the legal heirship certificate can be issued to the petitioner.

6. This writ petition is disposed of in the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

26-06-2025

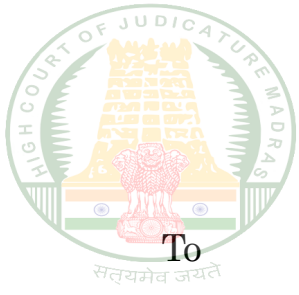
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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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To

1. The Tahsildar
Office Of The Tahsildar, Salem,
Salem District



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N.ANAND VENKATESH J.
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