



WEB COPY



W.P No. 23964 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-07-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**WP No. 23964 of 2025 AND
WMP NO. 26949 OF 2025**

1. Angammal
2. Asothai

... Petitioners

Vs

The Tahsildar
Kallakurichi Taluk Office, Kallakurichi
District.

... Respondents

PRAYER

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondent to conduct enquiry based on the letter dated 02.05.2025 and provide Legal Heir Certificate to the deceased Kannan as the petitioners are the Second Class Legal Heirs

For Petitioner : Mr.M. Ramadoss

For Respondent: Mr.N.R.Neelakandan
Additional Advocate General
assisted by Mr.T.M.Rajangam
Government Advocate

ORDER



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This writ petition has been filed for the issuance of a Writ of Mandamus directing the second respondent to act upon the representation made by the petitioners dated 02.05.2025 seeking for issuance of legal heirship certificate in their capacity as Class II legal heirs of the deceased Kannan, who is said to be the brother of the petitioners.

2. Heard Mr.M.Ramadoss, learned counsel for the petitioner and Mr.N.R.Neelakandan, learned Additional Advocate General assisted by Mr.T.M.Rajangam, learned Government Advocate appearing for the respondents.

3. The specific case of the petitioners is that their brother was married to one Velliammal. They did not have any children and their brother Kannan died on 25.08.2024 without any children. His wife also died and there were no legal heirs left behind. Under such circumstances, the petitioners submitted a representation seeking for issuance of legal heirship certificate as Class II legal heirs of their brother Kannan. Since the same was not acted upon, the present writ petition has been filed.

4. Learned counsel for the petitioner relied upon an earlier order dated



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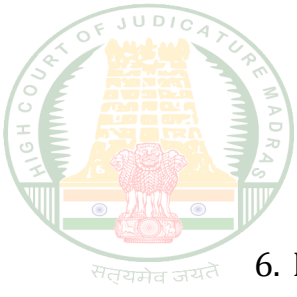
28.09.2021 dated 18807 of 2021 to substantiate his submission.

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5. In the considered view of this Court, there is no difficulty in issuing a legal heirship certificate for Class II legal heirs. This position has been confirmed by the Full Bench of this Court and pursuant to the same, a Government Order also has been issued in this regard. However, in the facts of the present case, admittedly the husband viz., Kannan died leaving behind his wife, who is a Class I legal heir. Thereafter, the wife died. The petitioners cannot now go back on time and seek for Class II legal heirship certificate on the ground that their brother died earlier. Once the Class I legal heir has been recognized and has taken the fort, there is no question of Class II legal heirs thereafter claiming the right on the basis that Class I legal heir had also died. As per law, once Class I legal heir is available after the demise of a person, that Class I legal heir cannot be replaced with Class II legal heir and thereafter a Class II legal heir cannot claim any right. The succession will continue in the line of Class I legal heir who was left behind by the deceased.

N.ANAND VENKATESH, J.

KST



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6. In the light of the above discussion, the claim made by the petitioners cannot be sustained. The writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

04-07-2025

KST

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

The Tahsildar

Kallakurichi Taluk Office, Kallakurichi District.

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