



Writ Petition No.26677 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 22.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Writ Petition No.26677 of 2025

and

W.M.P.No.29996 of 2025

M.Sivagami

... Petitioner

Vs

1.The Revenue Divisional Officer,
Tiruchengode, Namakkal District.

2.The Tahsildar,
Kumarapalayam,
Namakkal District.

3.R.Murugesan
S/o.Ramasamy

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the order of the first respondent dated 30.05.2025 in Na.Ka.4317/2024/A and quash the same and consequently, direct the respondents 1 and 2 to incorporate the condition Nos.(i), (ii), (iii), (iv) and (v) in the Legal Heirship Certificate of late M.Gobinath stipulated in G.O.(Ms) No.110, Revenue and Disaster Management Department dated 10.03.2024.



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For Petitioner : Mr.K.Selvaraj
For Respondents : Mr.R.Neelakandan,
Additional Advocate General
assisted by Mr.G.Velu,
Additional Government Pleader [R1 & R2]

ORDER

This writ petition has been filed challenging the impugned proceedings of the first respondent dated 30.05.2025 and for a consequential direction to the respondents 1 and 2 to incorporate necessary conditions in the legal heirship certificate of late M.Gobinath as stipulated in G.O.(Ms) No.110 dated 10.03.2024.

2. Heard Mr.K.Selvaraj, learned counsel for petitioner and Mr.R.Neelakandan, learned Additional Advocate General assisted by Mr.G.Velu, learned Additional Government Pleader appearing for respondents 1 and 2.

3. The specific case of the petitioner is that the petitioner submitted an online application to the second respondent for issuance of legal heirship certificate. The third respondent, who is the father of the deceased,



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filed a civil suit in O.S.No.5 of 2022 claiming for a right over the property standing in the name of his deceased son before the District Munsif Court, Kumarapalayam. The suit was contested by filing a written statement. However, it was dismissed for default on 19.03.2024. Thereafter, the third respondent approached the second respondent for issuance of legal heirship certificate based on an order passed in W.P.No.26772 of 2024 dated 18.09.2024. The second respondent has rejected the said application on the ground that the father of the deceased is only a Class-II legal heir. Aggrieved by the same, the father of the deceased filed an appeal before the first respondent. The first respondent, through the impugned proceedings dated 30.05.2025, has directed adding the name of the father of the deceased in the legal heirship certificate. Aggrieved by the same, the present writ petition has been filed.

4. The main grievance expressed by learned counsel for petitioner is that based on the addition of the name of the father of the deceased in the legal heirship certificate, the father is now claiming a share in the property belonging to his son, whereas, the petitioner, who is the mother, is the Class-I legal heir and will be entitled for the same.



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5. On carefully going through G.O.(Ms) No.110, dated 13.03.2024, it is quite evident that legal heirship certificate is only in the nature of a relationship certificate. It is only the opinion of the issuing authority as to the relationship of the persons named in the certificate with the deceased based on the information furnished by the applicant. This certificate cannot be equated to a succession certificate issued by a Court and this certificate issued by the Tahsildar will not affect the legal right of any party and it has no bearing on the status of the legal heir which is conferred on an individual under his/her personal law. This position is clearly spelt out even in the Government Order. Therefore, the order passed by the first respondent directing inclusion of the name of the third respondent, who is the father of the deceased in the legal heirship certificate, at the best, can only establish the relationship of the third respondent to that of the deceased as his father. This certificate issued does not create any new right in favour of the third respondent and insofar as the right *inter se* the legal heirs, it will be purely governed by the personal law that governs them. This clarity will sufficiently take care of the grievance expressed by the petitioner.



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This writ petition is disposed of in the above terms. No costs.

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22.07.2025

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order
gm

To

1.The Revenue Divisional Officer,
Tiruchengode, Namakkal District.

2.The Tahsildar,
Kumarapalayam,
Namakkal District.



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N.ANAND VENKATESH, J.

gm

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