

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-08-2025

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CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 29970 of 2025

1. B.Prakash
S/o.Lake.K.Balasubramaniam,
No.60, Sethu Rastha,
Vadaraniyam, Nagapattinam
Vedaraniyam-641 810

Petitioner(s)

Vs

1. The District Collector
O/o.The District Collector Office,
Nagapattinam -611 001

2.The Revenue Divisional Officer
O/o.The Revenue Divisional
Office, Vedaraniyam-614810

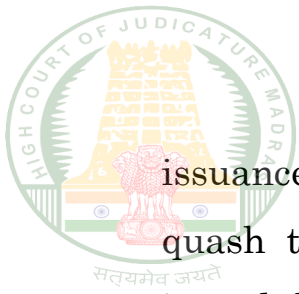
3.The Tahsildar
O/o.The Tahsildar Office,
Vedaraniyam-614 810

4. The Commissioner,
Revenue Administration
Ezhilagam, Chennai – 600 005
[4th respondent impleaded vide
order dated 08.08.2025 by NAVJ]

Respondent(s)

PRAYER

Writ petition filed under Article 226 of Constitution of India for the



issuance of writ of Certiorarified Mandamus to call for records and to quash the impugned order in Na.Ka.560-2024-A4 dated 19.3.2025 issued by the second respondent as communicated by the third respondent and consequently, direct the third respondent to issue the correct legal heir certificate of Subbiah pillai.

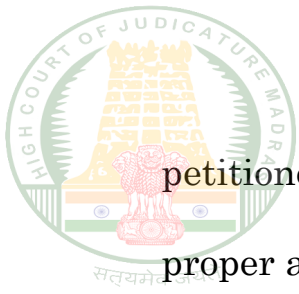
For Petitioner(s): Mr.N.Pragasam
For Mr.R.Neelakandan
Respondent(s): Additional Advocate General
Assisted by
Mr.R.Murthi,
Government Advocate for
Respondents 1 to 4

ORDER

The Commissioner, Revenue Administration, Ezhilagam, Chennai, is suo-motu impeaded as the 4th respondent in this writ petition.

2. This writ petition has been filed challenging the impugned proceedings of the 2nd respondent dated 19.03.2025 and for a consequential direction to the respondents to issue the legal heirship certificate by incorporating the appropriate particulars.

3. The petitioner filed the earlier writ petition before this Court for a mandamus to correct the legal heirship certificate issued on the demise of Subbiah Pillai. WP No.26290 of 2024 filed by the



petitioner was disposed of by an order dated 10.09.2024 and for proper appreciation, the relevant portions are extracted hereunder:-

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3. The case of the petitioner is that, the late Subaiyapillai, the brother of the petitioner-s great grandfather passed away on 05.04.1983. Thereafter, the petitioner-s father made application for issuance of Legal heir certificate of the said Subaiyapillai before the 3rd respondent. Pursuant to which, the 3rd respondent issued legal heir certificate, however, in the said certificate, the daughter-s name of the deceased was mentioned as predeceased legal heir. However, it is pertinent to note that, the said Subbiah Pillai died on 05.04.1983, whereas his daughter passed away only on 30.11.2019, which is much after the death of the said Subbiah Pillai. Hence, the petitioner-s father filed an appeal dated 05.02.2024 before the 2nd respondent seeking correction of the above said error, which evoked no response. Subsequently, the petitioner-s father passed away and pursuant to which, the petitioner made a representation dated 26.07.2024 to the 2nd respondent. However, till date, no orders have been passed on the said



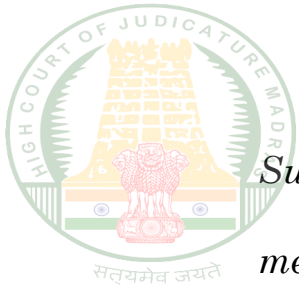
representation. Hence, this Writ petition.

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4. Though very many grounds have been raised, learned counsel for the petitioner submitted that it would suffice if this Court issues direction to the 3rd respondent to consider the petitioner-s representation dated 26.07.2024 and to consequently correct the error in the legal heirship Certificate of the said Subbiah Pillai, in respect of the daughter-s name and issue fresh legal heirship certificate as expeditiously as possible, by mentioning the date of death of the deceased legal heirs.

5. Learned Additional Advocate General appearing for the respondents submitted that, appropriate orders will be passed on the petitioner-s representation dated 26.07.2024 within the time stipulated by this Court.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the respondents to consider the petitioner-s representation dated 26.07.2024 on merits and in accordance with law and issue fresh legal heirship of



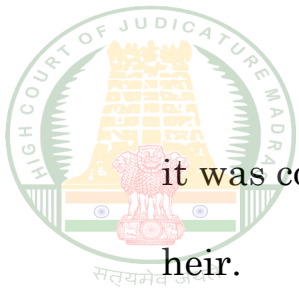
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Subbiah Pillai, after making necessary corrections and by mentioning the date of death of the deceased legal heirs of the said Subbiah Pillai within a period of two (2) weeks from the date of receipt of a copy of this order, if there is no legal impediment.

4. Since the order was not complied with, the petitioner filed a contempt petition before this Court in Cont P No.1342 of 2025. On the date of hearing, the impugned order was produced before this Court and therefore, the contempt petition was closed.

5. Heard Mr.N.Pragasam, learned counsel for the petitioner and Mr.R.Neelakandan, learned Additional Advocate General Assisted by Mr.R.Murthi, learned Government Advocate for respondents 1 to 4.

6. The only grievance expressed by the learned counsel for the petitioner is that in the legal heirship certificate, the name of Vedhambalachi ought not to have been shown as predeceased legal heir since the said Subbiah Pillai died on 05.04.1983 and whereas, the said Vedhambalachi passed away only on 30.11.2019. Therefore,



it was contended that she can never be treated as a predeceased legal heir.

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7. In reply to the above contention raised by the learned counsel for the petitioner, the learned Additional Advocate General on behalf of the respondent submitted that the status of the legal heir will be determined by the authority only as on the date when the application is made. Therefore, those legal heirs who are alive as on the date when the application is made, will be shown as legal heirs who are alive and all those legal heirs who have already died, will be brought within the head predeceased legal heir.

8. In the considered view of this Court, the above explanation given by the learned Additional Advocate General cannot be sustained. If Vedhambalachi is shown as a predeceased legal heir, the same is factually incorrect for the simple reason that she passed away only on 30.11.2019 and whereas, Subbiah Pillai passed away on 05.04.1983. Therefore by no stretch, Vedhambalachi can be treated as a predeceased legal heir.

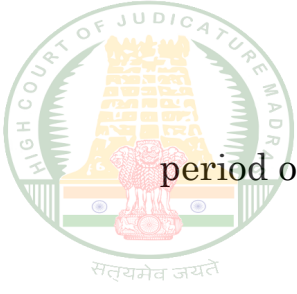
9. In view of the above, the Government has to make the



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necessary amendment in the format in order to include the names of legal heirs who were alive at the time of the demise of the concerned person but who thereafter died by the time the legal heirship certificate is applied. Therefore, the format has to have three headings. The 1st heading must be those persons who are alive, the 2nd heading must include those persons who were alive when the concerned person died but died before the application was submitted and the 3rd heading must be those persons, who are predeceased. This will sufficiently take care of the confusion which is presently created by showing the legal heirs as predeceased, just because they died at the time when the application was submitted. The impleaded 4th respondent shall act upon the above observations made by this Court and carry out the necessary amendment.

10. In the light of the above discussion, the impugned proceedings of the 2nd respondent dated 19.03.2025 is hereby quashed and there shall be a direction to the 3rd respondent to issue the fresh legal heir certificate by removing the name of Vedhambalachi from the category of predeceased legal heir and her name must be brought under the category of legal heir who was alive at the time of the demise of Subbiah Pillai. This process shall be completed within a



period of four weeks from the date of receipt of a copy of this order.

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11 . In the result, this writ petition is allowed with the above directions. No costs.

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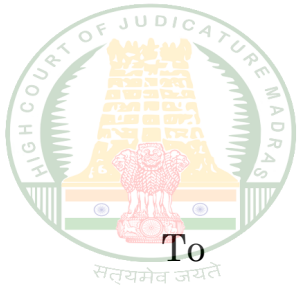
Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

Note Issue order copy on 11.08.2025.



To

WEB C.T.N

- 1.The District Collector
O/o.The District Collector Office,
Nagapattinam -611 001
- 2.The Revenue Divisional Officer
O/o.The Revenue Divisional Office,
Vedaraniyam-614810
- 3.The Tahsildar
O/o.The Tahsildar Office,
Vedaraniyam-614 810
4. The Commissioner,
Revenue Administration
Ezhilagam, Chennai – 600 005



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