



Writ Petition No.31025 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.31025 of 2025

and

W.M.P.No.34761 of 2025

Shalini

D/o.Late Loganathan

... Petitioner

Vs

The Tahsildar,
Office of Tahsildar,
Egmore Taluk,
Chennai - 600 031.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records from the file of Application No.TN-7202108252596 dated 25.08.2021 impugned order passed by the respondent and quash the same, consequently direct the respondent to allow for the issuance of legal heir certificate.

For Petitioner : Ms.U.Parvatha Varthini

For Respondent : Mr.R.Neelakandan,
Additional Advocate General
assisted by Mr.G.Velu,
Additional Government Pleader

ORDER



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This writ petition has been filed challenging the impugned online rejection order of the respondent dated 25.08.2021 and for a consequential direction to the respondent to issue legal heirship certificate by including the names of the wife of deceased Loganathan and two daughters.

2. Heard Ms.U.Parvatha Varthini, learned counsel for petitioner and Mr.R.Neelakandan, learned Additional Advocate General assisted by Mr.G.Velu, learned Additional Government Pleader appearing for respondent.

3. It is an admitted fact that the deceased Loganathan was married to one Shanthi. Through the wedlock, there are two daughters viz., the petitioner and one Ashwini. During the life time of the said Loganathan, he filed O.P.No.195 of 2009 seeking for dissolution of marriage on the ground of cruelty and the marriage was dissolved through an *ex parte* order dated 15.10.2009. This order has not been set aside or reversed in the manner known to law.

4. The petitioner's father Loganathan died on 12.07.2021. An



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application was submitted by the petitioner seeking for legal heirship certificate and objection was given by the other daughter stating that the marriage has been dissolved and therefore, the mother's name cannot be included in the legal heirship certificate. Based on the same, the impugned online order came to be passed by the respondent. Aggrieved by the same, the present writ petition has been filed before this Court.

5. Learned Additional Advocate General appearing for the respondent submitted that the petitioner's mother has lost her status as a wife by virtue of the order passed in O.P.No.195 of 2009 dated 15.10.2009 and hence, the legal heirship certificate can be issued by including only the names of two daughters of the deceased Loganathan.

6. Learned counsel for the petitioner submitted that the *ex parte* order passed in O.P.No.195 of 2009 dated 15.10.2009 was never acted upon and that the petitioner's mother continued to live as the wife of Loganathan and to substantiate the same, learned counsel relied upon various documents. Learned counsel further submitted that even in the death certificate of Loganathan, the name of Shanthi was shown as the wife. Therefore, it was contended that the petitioner's mother's name must



be included in the legal heirship certificate.

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7. The legal heirship certificate issued by the respondent is more in the nature of a relationship certificate. The petitioner's mother claims to be the wife of deceased Loganathan. However, in the eyes of law, the marriage has been dissolved effective from 15.10.2009 in O.P.No.195 of 2009 by the I Additional Family Court, Chennai. From that date, the petitioner's mother loses her status as a wife in the eyes of law. Probably, she continued as the wife of late Loganathan till his demise. That does not revive the status unless it is so declared by a competent Court. The respondent certainly does not have the right to revive the status considering the limited scope of issuance of legal heirship certificate.

8. In the light of the above discussion, the respondent can act upon the application and issue the legal heirship certificate by including the names of two daughters. For this purpose, the petitioner is directed to submit a fresh online application to the respondent by providing necessary particulars. Insofar as the petitioner's mother is concerned, she can approach the competent civil Court and seek for a declaration to



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declare her status as the wife of Loganathan. Based on the result in the suit, she can approach the Tahsildar to add her name in the legal heirship certificate.

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

Consequently, connected miscellaneous petition is closed

19.08.2025

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
gm

To
The Tahsildar,
Office of Tahsildar,
Egmore Taluk,
Chennai - 600 031.



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N.ANAND VENKATESH, J

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