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WP.No.27744 of 2023

In the High Court of Judicature at Madras

Reserved on 29.7.2025	Delivered on : 31.7.2025
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Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.27744 of 2023
& WMP.Nos.27234 of 2023 & 10604 of 2025

1.Amsa
2.Banu
3.Priya
4.Boopathy

...Petitioners

Vs

1.The District Collector,
Chengalpattu District,
Chengalpattu.

2.The Revenue Divisional Officer,
Maduranthakam, Tamil Nadu.
603306.

3.The Tahsildar, Cheyyur Taluk,
Chengalpattu District.
603302.

4.Gowri
5.Ranjini

...Respondents

PETITION under Article 226 of The Constitution of India praying
for the issuance of a Writ of Certiorarified Mandamus to call for the



WP.No.27744 of 2023

WEB COPY

records on the file of the 2nd respondent in Na.Ka.No.3867/2023/A dated 23.8.2023, quash the same and consequently direct the 3rd respondent to cancel the legal heirship certificate vide certificate No. TN 720230826991 dated 31.8.2023, which was issued consequent to the order of the 2nd respondent in Na.Ka.No.3867/2023/A dated 23.8.2023.

For Petitioners	:	Mr.Abrar Mohammed Abdulla for Mr.B.Govinda Prabu
For R1 to R3	:	Mr.G.Velu, AGP
For R4	:	Mr.R.Nadarajan for Mr.T.Sundara Vadanam
For R5	:	Mr.L.Ramkumar

ORDER

This writ petition has been filed challenging the proceedings of the second respondent dated 23.8.2023 and for a consequential direction to the third respondent to cancel the legal heirship certificate dated 31.8.2023.

2. Heard both.



WP.No.27744 of 2023

WEB COPY

3. The case of the petitioners is as follows :

(i) Petitioners 1 to 3 are the children of one Mr.Raji. The fourth petitioner is none other than the mother of the said Mr.Raji. Earlier, the said Mr.Raji married one Mrs.Thulasiammal and on account of the wedlock, petitioners 1 to 3 were born to them. The said Mrs. Thulasiammal died on 23.8.1990. Thus, according to the petitioners, when the said Mr.Raji died on 12.5.2021, he left behind him the petitioners alone as his legal heirs.

(ii) The grievance of the petitioners is that the fourth respondent claimed herself to be the wife of the said late Mr.Raji and the fifth respondent claimed to have born to the fourth respondent because of the relationship that she had with the said late Mr.Raji. On making such a claim, their names were included in the legal heirship certificate issued by the third respondent dated 31.8.2023 pursuant to the order passed by the second respondent dated 23.8.2023. Hence, the same has been put to challenge in this writ petition.

4. The main ground that was urged on the side of the petitioners is that even though the fourth respondent claimed to have married the said late Mr.Raji, she continued to identify herself as the wife of one



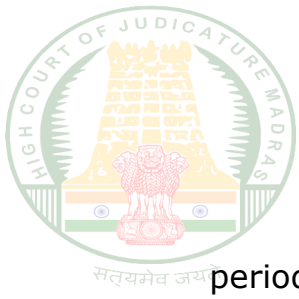
WP.No.27744 of 2023

WEB COPY

Mr.G.Chellappan. To substantiate the same, copies of certain documents were produced such as the legal heirship certificate issued on the demise of the said Mr.G.Chellappan dated 10.8.1986, the widow certificate dated 06.9.1999 issued to the fourth respondent by the Additional Block Development Officer, Lathur at Pavunjur, the sale deed dated 23.2.2005 wherein the fourth respondent was shown as the wife of the said late Mr.G.Chellappan and the bank statements of the fourth respondent for the period from 2017 to 2019 whereby it was clear that the fourth respondent was receiving family pension by showing herself as the widow of the said Mr.G.Chellappan.

5. It was further contended on behalf of the petitioners that on the one hand, the fourth respondent is claiming all the benefits as the widow of the said Mr.G.Chellappan and on the other hand, she also claimed herself to be the wife of the said late Mr.Raji.

6. However, in the counter affidavit filed by the third respondent for himself and on behalf of respondents 1 and 2, it has been stated that there were sufficient documents to show that the fourth respondent was living as the wife of the said late Mr.Raji for a long



WP.No.27744 of 2023

WEB COPY

period of time. This is supported by overwhelming documents. Therefore, the official respondents have justified the inclusion of the names of respondents 4 and 5 in the legal heirship certificate issued by the third respondent dated 31.8.2023.

7. When the matter came up for admission on 22.9.2023, this Court granted an interim order of stay of the order passed by the second respondent dated 23.8.2023.

8. Around 1 1/2 years later, the fourth respondent filed WMP.No. 10604 of 2025 seeking to vacate the said interim order. The affidavit filed in support of the vacate stay petition can be treated as the counter affidavit, in which, the fourth respondent stated that she had earlier married the said late Mr.G.Chellappan, who was working as a Government school teacher, that he died on 09.3.1986, that thereafter, she married the said late Mr.Raji on 07.7.1993, that on account of the wedlock with the said late Mr.Raji, the fifth respondent was born on 16.4.1996, that she was also taking care of the petitioners and that she was always recognized as the wife of the said late Mr.Raji by all the family members. Even the certificate that was



WP.No.27744 of 2023

WEB COPY

issued on account of the birth of the fifth respondent would show that she was born to both the fourth respondent and the said late Mr.Raji after their marriage. Thus, the fourth respondent justified the inclusion of her name and the fifth respondent's name in the legal heirship certificate. Ultimately, she sought for dismissal of the writ petition.

9. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned order.

10. There are overwhelming materials available before this Court to substantiate that the fourth respondent was living with the said late Mr.Raji for a very long period of time. In the typed set of papers filed by the fourth respondent, there are more than 15 documents to show that the fourth respondent was recognized as the wife of the said late Mr.Raji. Even the father of the said late Mr.Raji, while submitting the application on 04.6.2021 seeking the legal heirship certificate on the demise of his son, included the names of respondents 4 and 5 by showing the fourth respondent as the second wife and the fifth respondent as her daughter.

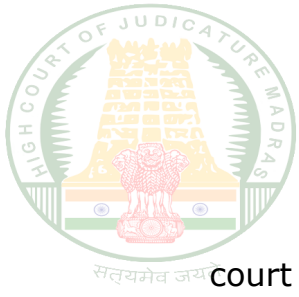


WP.No.27744 of 2023

WEB COPY

11. It is true that the conduct of the fourth respondent is not aboveboard since she was also claiming certain other benefits identifying herself as the wife of the said late Mr.G.Chellappan. That, by itself, will not take away the fact that the fourth respondent lived as the second wife of the said late Mr.Raji. The second respondent took into consideration all these aspects and also the documents produced and passed the impugned order, pursuant to which, the names of respondents 4 and 5 were included in the legal heirship certificate issued by the third respondent. This Court does not find any illegality in the order passed by the second respondent warranting the interference of this Court.

12. The legal heirship certificate is merely a relationship certificate between the parties to that of the deceased. The Revenue Authorities do not really decide the rights of the parties and those rights are always governed by personal laws, which govern the parties. Hence, if at all any legal proceedings are initiated, the concerned civil court shall not be swayed by the legal heirship certificate dated 31.8.2023 that was issued by the third respondent pursuant to the order dated 23.8.2023 passed by the second respondent. The civil



WP.No.27744 of 2023

WEB COPY

court shall independently consider the rights based on the relationship between the parties. This clarity will sufficiently take care of the grievance expressed by the petitioners.

13. The writ petition is disposed of in the above terms. No costs. Consequently, the connected WMPs are closed.

31.7.2025

To

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- 3.The Tahsildar, Cheyyur Taluk,
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WEB COPY



WP.No.27744 of 2023

N.ANAND VENKATESH,J

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WP.No.27744 of 2023 &
WMP.Nos.27234 of 2023
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31.7.2025