



W.P.No.33240 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2025

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.33240 of 2025

Mohammed Abdul Ghani

... Petitioner

Vs

The Thasildar,
Thasildar office,
Vellore-632 001.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records and quash the order of the respondent in Mu.Mu.A2/726/2023 dated 04.03.2023 and direct the respondent to issue legal heir certificate of Abdul Karim Sahib S/o Subedar Sahib.

For Petitioner : Mr.K.Kumar

For Respondent : Mr.R.Neelakandan,
Additional Advocate General
Assisted by Mr.T.M.Rajangam ,
Government Advocate



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ORDER

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Assailing the impugned order dated 04.03.2023 passed by the respondent, the present Writ Petition has been filed.

2. Mr.R.Neelakandan, learned Additional Advocate General takes notice on behalf of respondent.

3. It is the case of the petitioner that the petitioner being the only surviving legal heir of his late Grandfather namely Abdul Karim Sahib had applied for legal heirship certificate in respect of his deceased grandfather on 30.12.2022 before the respondent herein. The respondent after conducting an enquiry, had rejected the claim of the petitioner on the ground that the petitioner being the Class II legal heir is not entitled for issuance of legal heirship certificate in respect of his deceased grandfather. Aggrieved by which, the petitioner has come up with the present Writ Petition.

4. Learned counsel for the petitioner submitted that the order impugned herein is non-est in law in the light of the Judgment dated 17.06.2022 passed by the Honourable Full Bench of this Court in W.P.No.25247 of 2021 wherein, it is clearly held that a legal heir Certificate issued by the Tahsildar is merely a



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certificate of relationship and does not confer any legal rights pursuant to which,

WEB G.O.Ms.No.478 dated 29.09.2022 was also issued by the Government stating that classification of the legal heirs shall not be specified while issuing legal heirship certificates. Thus, the impugned order passed by the respondent rejecting the claim of the petitioner is wholly contrary to the above judgement and therefore, the same is liable to quashed.

5. Per Contra, learned Additional Advocate General appearing for the respondent while defending the impugned order submitted that the Co-ordinate Bench of this Court in W.P.No.20189 of 2023 vide order dated 10.07.2023 has held that G.O.Ms.No.478 is flawed and the said G.O requires amendment. Pursuant thereto, the Additional Chief Secretary/Commissioner of Revenue Administration has forwarded the proposal and requested the Government to issue necessary amendments to the Guidelines and procedures issued in G.O.Ms.No.478 dated 29.09.2022. The said proposal was accepted by the Government and accordingly, the following amendment was issued. The relevant portion the same is extracted hereunder:-

Amendment



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In the said G.O., in the Annexure for Clause 2 the following Clause shall be substituted:

“2.Legal Heirship (Relationship) Certificate shall be issued to the applicant(2) Irrespective of the Religions/Gender, with the name of the following persons; their relationship with the deceased and their living status:

1.(A) In case of death of Married Person

i.Spouse(s) of the deceased (Mention the names of the spouses, if more than one spouse, if permissible under relevant personal law)

ii.Children/Legally adopted Children of the deceased

iii. Parents of the deceased

(B) In case of death of Re-married Person, after the demise of legally wedded wife or after the divorce granted by competent Court or permissible under the Personal Law, concerned.

(C) In case of death of Un-married Person

i Parents of the deceased

ii Siblings (Brothers and Sisters) of the deceased

(D) If both spouses died, with Children

i.Children/Legally adopted Children of the deceased

ii.Parents of the deceased.

(E) If both spouses died, without children

i.Parents of the deceased

ii.Siblings (Brothers and Sisters) of the deceased.

6. In the light of the aforesaid amendment, the claim of the petitioner on the basis of G.O Ms.No.478 which came to issued based on the Full Bench



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Judgment cannot be acceded to. Therefore, the respondent was right in rejecting the claim of the petitioner and hence, the order impugned in this Writ Petition cannot be found fault with.

7. This Court heard the learned counsel for the petitioner as well as the learned Advocate General appearing for the respondent and perused the materials placed on record.

8. As rightly pointed out by the learned Additional Advocate General that in the light of the aforesaid amendment in Clause 2 of the Guidelines and procedures prescribed in G.O.Ms.No.478 based on the order passed by the co-ordinate bench of this Court in W.P.No.20189 of 2023 dated 10.07.2025, the relief sought for by the petitioner for issuance of legal heirship certificate in respect of his deceased grandfather cannot be acceded to and this Court finds no merits in this Writ Petition. However, it is open to the petitioner to approach the competent civil court with regard to the issuance of legal heirship certificate.

M.DHANDAPANI, J.



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9. For the reasons aforesaid, this Writ Petition stands dismissed with aforesaid liberty. There shall be no order as to costs.

03.09.2025

Index: Yes/No

Internet: Yes

Speaking/Non-Speaking order

Nhs

To

The Thasildar,
Thasildar office,
Vellore-632 001.

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