



W.P.No.31674 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 21.04.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.31674 of 2023

M.Nirmala

.. Petitioner

Versus

1. The District Collector,
Chennai District,
Rajaji Salai, Chennai - 600 001.

2. The Tahsildar,
Tondiarpet Taluk,
Tondiarpet, Chennai - 600 081.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order of rejection passed by the 2nd respondent vide his proceedings in Na.Ka.No.A1/1329/2023, dated --- .09.2023 signed on 05.09.2023 and quash the same and consequently, direct the 2nd respondent to issue Legal Heirship Certificate in favour of the petitioner and her sisters, certifying them as Class-II Legal Heirs of the



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deceased M.Omprakasam and M.Revathy.

For Petitioners : Mr.K.Premkumar

For Respondents : Mr.R.Neelakandan,
Additional Advocate General-VIII,
Assisted by Dr.S.Suriya,
Additional Government Pleader

ORDER

This Writ Petition is filed challenging the impugned order, dated --
.09.2023, signed on 05.09.2023. By the impugned order, the application,
that was made by the petitioner for issue of Legal Heirship Certificate, stood
rejected.

2. Upon hearing the learned Counsel for the petitioner and the learned
Additional Advocate General for the respondents, it may be seen that one
M.Omprakasam is the brother of the petitioner. He died on 19.01.2009. He
was married to one *Revathy*. They did not have any children. The said
Revathy also died on 10.05.2023. Therefore, in respect of both of them,
when the petitioner sought for Legal Heirship Certificate, the same stands



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rejected.
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3. The entire question as to issue of Legal Heirship Certificate, after the Full Bench judgment of this Court in W.P.No.25247 of 2021 etc., is governed by the guidelines that are issued by the Government in G.O.Ms.No.478, dated 29.09.2022 and thereafter, G.O.Ms.No.110, dated 13.03.2024. As per G.O.Ms.No.110, if both the spouses died without children, names of the siblings of the deceased can also be mentioned in the Legal Heirship Certificate. In view thereof, the Legal Heirship Certificate should not have been totally rejected by the respondents.

4. As a matter of fact, when the said *M.Omprakasam* died on 19.01.2009, *M.Revathy* was the legal heir, being the spouse. Accordingly, a Legal Heirship Certificate could have been issued. Subsequently, when the said *M.Revathy* died, as per Section 15 of the Hindu Succession Act, the legal heirs of the husband, are next in line to succeed, especially, when there



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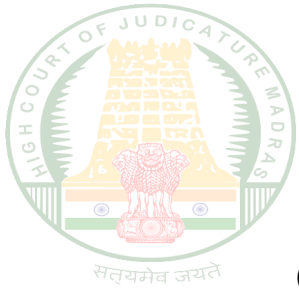
are no husband and children, in respect of the said *M.Revathy*. Accordingly, the issue has to be considered and Legal Heirship Certificate has to be issued.

5. In view thereof, this Writ Petition is allowed on the following terms:-

(i) The impugned proceedings of the second respondent in Na.Ka.No.A1/1329/2023, dated.---.09.2023, signed on 05.09.2023 shall stand set aside;

(ii) The second respondent shall consider issuing Legal Heriship Certificate in respect of the said *M.Omprakasam* and *M.Revathy* as stated above;

(iii) Needless to mention that the petitioner and any other interested person, shall also heard and final orders be passed within a period of 12 weeks from the date of receipt of a web-copy of this order without waiting for a certified copy of this order;



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(iv) There shall be no order as to costs.

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Neutral Citation : no
grs

To

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2. The Tahsildar,
Tondiarpet Taluk,
Tondiarpet, Chennai - 600 081.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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