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WP No. 41133 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

**WP No. 41133 of 2025
& WMP.No.46084 of 2025**

Muralikrishnan
S/o K.Ranganathan
No 161/2 IursappaMesthiri Street Main
Road, New Washermenpet, Tondiarpet,
Chennai 600 081

Petitioner(s)

Vs

1. The District Collector
Office Of The District Collector,
Rajaji Salai, Chennai 600 001.

2.The Tahsildar
Office of the Tahsildar,
Fort Tondiarpet Taluk,
Chennai 600 081.

Respondent(s)

PRAYER

This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus calling for the records of the proceedings of the respondent in legal heir application bearing No TN-7202506162576 dated 16.06.2025 rejecting the petitioner application and quash the same and direct the respondent to issue the legal heir certificate to the petitioner to his adopted parents namely Ranganathan and Vasugi.

For Petitioner(s): Mr.Elangovan.S for
 M/s.Ram Gokil Advocates and
 Associates



For Respondent(s): Mr.R.Neelakandan,
Additional Advocate General
Asst. by Mrs.S.Anitha,
Special Government Pleader

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus calling for the records of the proceedings of the respondent in legal heir application bearing No TN-7202506162576 dated 16.06.2025 rejecting the petitioner application and to quash the same and to direct the respondent to issue the legal heir certificate to the petitioner.

2.The petitioner is the adopted child of Ranganathan and Vasuki and his biological parents are Jalendiran and Krishnaveni. The adoption of the petitioner was formally registered on 30.11.2006 via Doc.No.1002/2006 and thereafter, the petitioner is in the care and custody of his adopted parents. The adoptive father of the petitioner viz., Ranganathan died on 15.04.2015 and his adoptive mother viz., Vasuki died on 28.04.2025 and after the death of his parents, the petitioner made an Application before the second respondent Tahsildar for issuance of legal heir certificate. However, the same was rejected by the second respondent Tahsildar on the ground that the petitioner's adoptive father's brother made an objection. Challenging the same, the present Writ Petition has been filed.



3.The learned counsel for the petitioner would submit that as per the Hindu Adoptions and Maintenance Act, 1956 there is a valid adoption deed in between the biological parents of the petitioner and adoptive parents of the petitioner, however, the same was not considered by the second respondent. Hence, the rejection order passed by the second respondent merely on the basis of the objection raised by the petitioner's adoptive father's brother is not a sustainable one. Hence, prays that the impugned order be set aside and a direction be issued to the respondents to issue the legal heir certificate to the petitioner.

4.The learned Additional Advocate General appearing on behalf of the respondents would submit that it is a disputed question of fact as to who is legal heir of the deceased Ranganathan between the petitioner and the deceased Ranganathan's brother, which has to be decided only before the competent Civil Court and hence, prayed for dismissal of the present Writ Petition.

5.Heard the learned counsel for the petitioner and the learned Additional Advocate General appearing on behalf of the respondents and perused the materials available on record.

6.The facts of this case is not disputed. Admittedly, a procedure was



created by the Revenue Department in G.O.(Ms.) No.110 , Revenue and Disaster Management, Revenue Administration Wing, RA-3(2) Section, 13.03.2024 for obtaining legal heir certificate, pursuant to the order of this Court in W.P.No.25247 of 2021 and W.P.No.20189 of 2023. The said Government Order was subsequently amended and the Annexure for clause 2 of the amended Government Order reads as under:

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

I.(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 permission under relevant personal law).

II. Children/Legally adopted Children of the deceased

III. Parents of the deceased.”

7.Further, Section 11 of the Hindu Adoptions and Maintenance Act, 1956 is relevant to the present case and the same is extracted hereunder;

“11.Other conditions for a valid adoption – in every adoption, the following conditions must be complied with -

(i) if the adoption is of a son, the adoptive father or mother by whom the adoption is made must not have a Hindu son, son's son or son's son's son (whether by legitimate blood relationship or by adoption) living at the time of adoption;

(ii) if the adoption is of a daughter, the adoptive father



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or mother by whom the adoption is made must not have a Hindu daughter or son's daughter (whether by legitimate blood relationship or by adoption) living at the time of adoption

(iii) if the adoption is by a male and the person to be adopted is a female, the adoptive father is at least twenty-one years older than the person to be adopted.

(iv) if the adoption is by a female and the person to be adopted is a male, the adoptive mother is at least twenty-one years older than the person to be adopted.

(v) the same child may not be adopted simultaneously by two or more persons;

(vi) the child to be adopted must be actually given and taken in adoption by the parents or guardian concerned or under their authority with intent to transfer the child from the family of its birth or in the case of an abandoned child or a child whose parentage is not known, from the place or family where it has been brought up to the family of its adoption:

8.It is seen that without considering the G.O.(Ms.) No.110, 13.03.2024, the second respondent Tahsildar has passed a one-line rejection order on the ground of objection make by the deceased brother and hence, it is not a sustainable one. Hence, the second respondent has intentionally passed the order rejecting the request of the petitioner, favouring certain third party, contrary to G.O.(Ms.) No.110, dated 13.03.2024. Hence, the impugned order is set aside and a cost of Rs.5,000/- (Rupees Five Thousand only) is imposed on



the second respondent and the second respondent is directed to pay the same to the District Legal Services Authority, Chennai and the second respondent is further directed to issue the legal heir certificate to the petitioner, within a period of two (2) weeks from the date of receipt of a copy of this Order.

9.The Writ Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

05-11-2025

Tsg
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No



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To

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