



W.A.(MD)No.391 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.02.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.A.(MD)No.391 of 2025

&

C.M.P.(MD)No.3123 of 2025

S.Vasanthi

... Appellant

-Vs-

1.A.Backiyalakshmi

2.The District Collector,  
Ramanathapuram District,  
Ramanathapuram.

3.The Revenue Divisional Officer,  
Revenue Divisional Office,  
Ramanathapuram.

4.The Tahsildar,  
Rameshwaram Taluk Office,  
Rameshwaram.

5.The Tahsildar,  
Sivagangai Taluk Office,  
Sivagangai.

... Respondents



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**PRAYER:** Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 20.09.2024 made in W.P.(MD)No.9967 of 2024 on the file of this Court.

For Appellant : Mr.C.Prithviraj  
For R1 : Mr.C.Abul Kalam Azad  
For R2 to R5 : Mrs.D.Farjana Ghoushia,  
Special Government Pleader

### **JUDGMENT**

[Judgment of the Court was delivered by **J.NISHA BANU, J.**]

This Writ Appeal is directed against the order of this Court dated 20.09.2024 made in W.P.(MD)No.9967 of 2024.

2.It is the case of the 1<sup>st</sup> respondent / writ petitioner that she and the appellant / 5<sup>th</sup> respondent are the grand daughters of one deceased Meenal. However, suppressing the same and excluding the 1<sup>st</sup> respondent / writ petitioner, the appellant obtained legal heirship certificate. Therefore, challenging the same, the 1<sup>st</sup> respondent / writ petitioner filed an appeal before the 3<sup>rd</sup> respondent herein. The 3<sup>rd</sup> respondent, though recorded the fact that the 1<sup>st</sup> respondent / writ petitioner is also one of the legal heirs of the deceased Meenal, dismissed the



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appeal on the ground of limitation. Challenging the same, the 1<sup>st</sup> respondent / writ petitioner has filed the said Writ Petition.

3.The Writ Court, after hearing the learned counsel on either side and perusing the records, set aside the order passed by the 3<sup>rd</sup> respondent and remitted the matter back to the 3<sup>rd</sup> respondent to decide the issue on merits, after issuing notice to either side and after affording opportunity to the parties concerned. Challenging the same, the appellant has filed this Writ Appeal.

4.Heard the learned counsel on either side and perused the materials available on record.

5.Admittedly, the appellant and the 1<sup>st</sup> respondent are the legal heirs of the deceased Meenal. Since the appellant has obtained legal heirship certificate by suppressing the said fact and excluding the 1<sup>st</sup> respondent, the 1<sup>st</sup> respondent has filed an appeal before the 3<sup>rd</sup> respondent. The 3<sup>rd</sup> respondent, having found that there was suppression in obtaining the legal heirship certificate and also recorded the fact that the 1<sup>st</sup> respondent is also one of the legal heirs of the deceased Meenal, dismissed the appeal on the ground of limitation, stating that the appeal ought to have been filed within a period of one year as per G.O.(Ms)No.478, dated 29.09.2022.



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6.The writ Court, after perusing the said Government Order and annexure to the said Government Order, has rightly held that there is no limitation prescribed for filing appeal and only guidelines and procedure for issuance of legal heirship certificate have been enumerated, therefore, citing the guidelines, the right of appeal cannot be taken away. The writ Court further held that having found that the writ petitioner's contention is factually correct, the 3<sup>rd</sup> respondent ought to have decided the matter on merits instead of adopting the technicalities and rightly allowed the Writ Petition by remitting the matter back to the 3<sup>rd</sup> respondent for fresh consideration.

7.In view of the above, finding no infirmity in the order passed by the Writ Court, this Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**[J.N.B., J.] & [S.S.Y., J.]**  
**24.02.2025**

NCC : Yes / No  
Index : Yes / No

*Yuva*



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**AND**  
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