



W.P.(MD)No.3913 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.3913 of 2025

Maideen Beevi

... Petitioner

-VS-

1.The District Collector,
Dindigul District.

2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Dindigul District.

3.The Tahsildar,
Dindigul East Taluk Office,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the third respondent in Application Number TN-7202407302576 and quash the same as illegal and consequently, direct the third respondent to issue legal heir certificate of the petitioner's deceased husband namely, Mohammed Ussain in her name.



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For Petitioner : Mr.K.Arunraj
For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking to quash the order passed by the third respondent in Application Number TN-7202407302576 and consequently, direct the third respondent to issue legal heirship certificate of the petitioner's deceased husband namely, Mohammed Ussain, in her name.

2. With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The learned counsel for the petitioner submits that the petitioner was married to Mohammed Ussain on 15.09.1980. They had no issue. Her husband owned property in his name at Survey No.164/14A, measuring an extent of 0.5.19 Ares, situated in Sanarpatti Revenue Village, Dindigul East Taluk, Dindigul District, as per Patta No.464. He constructed five houses on the property, of which, four were rented out and they resided in one house. The income from the rented houses was used to support their livelihood.



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4. The learned counsel for the petitioner further submits that on 09.03.2024, the petitioner's husband passed away due to ill-health, leaving her as his sole legal heir. He died intestate and the property mentioned above became her inheritance. Since then, she has been in possession of the property without any dispute or encumbrance from any private parties.

5. The learned counsel also submits that being an illiterate woman, the petitioner seeks to obtain a legal heirship certificate to formally recognize her as the sole legal heir of her late husband. On 30.07.2024, she applied for the legal heirship certificate through online under application number TN-7202407302576. The application was, however, rejected by the third respondent, vide the impugned order, citing the reason that the applicant reportedly had two husbands, as per the Revenue Inspector's report. This reason is completely incorrect and baseless, as the petitioner, a 65-year-old destitute widow, has not married anyone before or after the death of her husband. Therefore, the learned counsel submits that the impugned order of the third respondent is highly illegal, arbitrary, and unreasonable. It is not only incorrect but also against the principles of natural



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justice. The rejection is based on an erroneous report, and no proper verification or enquiry seems to have been carried out before arriving at such a conclusion.

6. The learned Additional Government Pleader appearing for the respondents submits that the third respondent, in the course of conducting due enquiry, received a report from the Revenue Inspector (RI) which indicated that the petitioner married twice / two persons, which raised a serious doubt regarding the petitioner's status as the sole legal heir. Based on the Revenue Inspector's report, the third respondent rejected the application for the legal heirship certificate. This decision was made in accordance with due process and legal requirements for issuing legal heirship certificates.

7. The learned Additional Government Pleader submits that the rejection of the petitioner's application was neither arbitrary nor unreasonable. It was based on the information provided by the Revenue Inspector's report. The third respondent acted in good faith, adhering to the standard protocols in place to verify the petitioner's legal heirship.



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8. The learned Additional Government Pleader appearing for the respondents also submits that the petitioner's claim that she has never been married again after her husband's death is not substantiated with any proof or reliable documents.

9. Heard both sides.

10. Considering the above submissions, it is seen that the petitioner claims to be the sole legal heir of her late husband, Mohammed Ussain, and seeks issuance of a legal heirship certificate. The rejection of her application by the third respondent was based on the report of the Revenue Inspector (RI) indicating that the petitioner had two husbands, which according to the petitioner, is incorrect. The petitioner has explicitly denied the claim that she was married to two persons and asserts that she has been a widow since her husband's demise in 2024.

11. The petitioner, being an illiterate woman, has not been given an adequate opportunity to address the discrepancies raised in the Revenue



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Inspector's report. Furthermore, the third respondent has not provided sufficient opportunity for the petitioner to be heard before passing the impugned order.

12. It is well-established in law that every individual should be given a fair opportunity to present their case, especially, when the decision affects their legal rights and status. In this case, the petitioner has raised doubts regarding the accuracy of the Revenue Inspector's report and the subsequent rejection of her application.

13. In light of the above, this Court finds it appropriate to remand the matter back to the third respondent for fresh consideration. The third respondent is directed to give the petitioner an opportunity of hearing and to pass a fresh order on the legal heirship certificate application, taking into account all relevant facts, including the petitioner's denial of the allegations made in the Revenue Inspector's report. The petitioner is also at liberty to produce any additional evidence or documents to support her claim as the sole legal heir before the third respondent. The third respondent is also directed to reconsider the matter, ensuring that all necessary steps are taken to verify the factual position, and to



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pass a final decision on the application for the legal heirship certificate based on the correct facts, within a period of three months from the date of receipt of a copy of this order.

14. This Writ Petition stands disposed of accordingly. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
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To:-

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VIVEK KUMAR SINGH, J.

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