



W.P.(MD)No.4835 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.4835 of 2025

and WMP (MD) No.3501 of 2025

Kuppammal @ Pappammal
(Muthulakshmi)

: Petitioner

Vs.

1. The Tahsildar,
Kodaikkanal Taluk Office,
Kodaikkanal,
Dindigul District.

2. Selvi

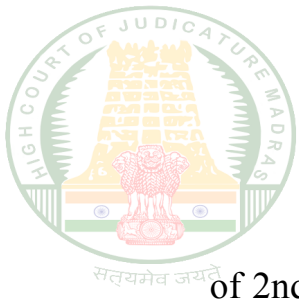
3. Duraisamy

4. Sadhasivam

5. Balamurugan

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 1st respondent in O.Mu.No. 297/2019/A1 dated 20.05.2021 and quash the same as illegal and unconstitutional and consequently direct the 1st respondent to issue the Legal Heirship Certificate showing the names of the petitioner, name



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of 2nd wife of petitioners father namely Selvi and her three sons namely (1)Duraishamy (2)Sathasivam and (3)Balamurugan i.e., 2 to 5 respondents herein based on the petitioners application dated 10.02.2021 forthwith.

For Petitioner : Mr.M.Shakulhameed

For Respondents : Mr.K.S.Selvaganesan

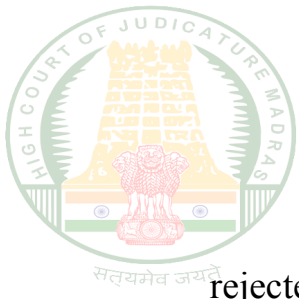
Additional Government Pleader
for R1

ORDER

This Writ Petition has been filed challenging the rejection order dated 20.05.2021, passed by the first respondent, rejecting the issuance of the legal heirship certificate to the petitioner and seeking a consequential direction to the first respondent to issue the legal heirship certificate.

2.The petitioner claims that her father had two wives and that she is the daughter of the first wife. Her father passed away on 06.06.2018. The petitioner submitted an application to the first respondent for a legal heirship certificate, listing all the legal heirs, including herself, the second wife of her father and the three sons of the second wife, who are arrayed as respondents 2 to 5 in this writ petition.

However, citing the pendency of a partition civil suit, the first respondent



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rejected the application. Aggrieved by this, the petitioner has filed the present writ petition.

3. The learned Additional Government Pleader submits that the application filed by the petitioner for the issuance of the legal heirship certificate will be duly considered by the first respondent.

4. Upon careful consideration of the submissions and the materials on record, this Court is of the view that the impugned order passed by the first respondent rejecting the petitioner's application for the issuance of the legal heirship certificate on the grounds of the pendency of a partition civil suit is not sustainable. The mere pendency of a civil suit does not preclude the issuance of a legal heirship certificate. The rejection of the application on this ground appears to be premature and therefore, this Court finds that the impugned order is liable to be set aside.

5. In the light of the above, the impugned order dated 25.05.2021, passed by the first respondent is hereby set aside and the matter is remanded back to the first respondent for fresh consideration of



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the petitioner's application seeking for issuance of legal heirship certificate for the deceased Raman who passed away on 06.06.2018 and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and other necessary parties, if any, within a period of twelve weeks from the date of receipt of a copy of this Order.

6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

04.03.2025

Index : Yes / No

Internet : Yes / No

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To

The Tahsildar,
Kodaikkanal Taluk Office,
Kodaikkanal,
Dindigul District.



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