



W.P.(MD)No.5963 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5963 of 2025

and

W.M.P.(MD)No.4511 of 2025

J.Vijayakumar

... Petitioner

-VS-

The Tahsildar,
Office of the Tahsildar,
Theni Taluk,
Theni District.

... Respondent

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the respondent in E.Koppu No. 788/2025/A13 dated 06.02.2025, quash the same and consequently, to direct the respondent to issue legal heir certificate to the petitioner based on the petitioner's representation dated 25.01.2025.

For Petitioner : Mr.D.S.Haroon Rasheed

For Respondent : Mr.K.S.Selvaganeasn
Additional Government Pleader



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ORDER

Heard Mr.D.S.Haroon Rasheed, learned counsel for the petitioner and Mr.K.S.Selvaganesan, learned Additional Government Pleader for the respondent.

2. The Writ Petition is filed challenging the impugned order passed by the respondent, dated 06.02.2025 and a consequential direction to the respondent to issue a legal heirship certificate to the petitioner based on his representation dated 25.01.2025.

3. According to the petitioner, his parents, Jeyakodi and Subbulakshmi, passed away on 26.05.1990 and 12.12.2024, respectively, leaving the petitioner and Vijayalakshmi as their legal heirs. On 25.01.2025, the petitioner submitted an application seeking issuance of a legal heirship certificate. However, the respondent rejected the said application on the ground that the petitioner's mother, Subbulakshmi had been living with one Suruli after the death of the petitioner's father and there were no children from the relationship between Subbulakshmi and Suruli. Hence, the present Writ Petition.



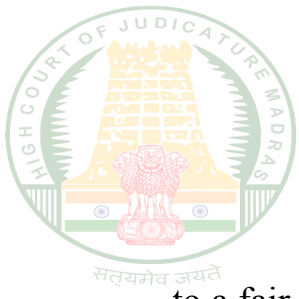
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4. The learned Additional Government Pleader for the respondent submits that the rejection of the petitioner's application for a legal heirship certificate is based on valid grounds. The learned Additional Government Pleader contends that Subbulakshmi, the petitioner's mother, had been living with one Suruli after the death of the petitioner's father. Since there were no children born from the relationship between Subbulakshmi and Suruli, the learned Additional Government Pleader submits that the petitioner's claim for issuance of a legal heirship certificate is contested on the basis of this circumstance. Furthermore, the learned Additional Government Pleader submits that the petitioner has failed to establish a clear line of succession as per the relevant rules and the rejection of the application was in accordance with law.

5. Heard both sides.

6. After considering the submissions made by both parties, this Court is of the view that the respondent's rejection of the petitioner's application for a legal heirship certificate was made without affording an opportunity of hearing to the petitioner to fully present his case. This Court finds that the petitioner is entitled



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to a fair hearing before any final decision is made on the matter. Accordingly, this Court sets aside the impugned order dated 06.02.2025 and remits the matter back to the respondent for a fresh consideration. The respondent is directed to consider the petitioner's application dated 25.01.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of three months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondent to consider the same on its own merits.

7. In the result, the Writ Petition is allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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