



W.P.(MD)No.8132 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.8132 of 2025

G.Albert Rajan

... Petitioner

-VS-

The Thasildar,
Thisayanvilai Taluk,
Tirunelveli District ,
State of Tamilnadu.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to issue legal heirship certificate of Gnaniah and Rathinmani, who are adopted father and mother of petitioner, who demised on 11.05.2021 and 01.06.2021, on the basis of the representation dated 07.12.2021.

For Petitioner : Mr.S.Titus

For Respondent : Mr.C.Venakesh Kumar
Special Government Pleader



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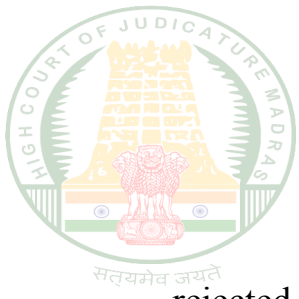
ORDER

This Writ Petition has been filed seeking a direction to the respondent to issue legal heirship certificate of Gnaniah and Rathinmani, who are the adopted father and mother of the petitioner and who passed away on 11.05.2021 and 01.06.2021 respectively, on the basis of the representation of the petitioner dated 07.12.2021.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner, seeking issuance of a legal heirship certificate for Gnaniah and Rathinmani, who are the adopted father and mother of the petitioner and who passed away on 11.05.2021 and 01.06.2021 respectively, submitted a representation on 07.12.2021. As the said representation has not been considered so far, the petitioner has filed the present Writ Petition.

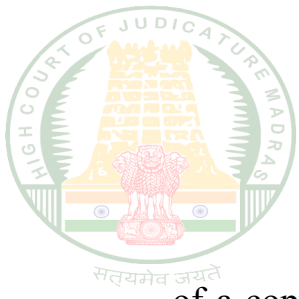
4. The learned Special Government Pleader appearing for the respondent submits that the petitioner's representation dated 07.12.2021 has already been



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rejected on the ground that a legal heirship certificate cannot be issued to an adopted child. He further submits that, against the order passed by the Tahsildar/respondent herein, the petitioner has an appeal remedy before the respective Revenue Divisional Officer within a period of one year from the date of issuance / rejection of the application, as per Clause 7(1) of the guidelines issued by the Principal Secretary to Government in the Annexure to G.O.(Ms)No. 478, Revenue and Disaster Management [RA-3(2)] Department, dated 29.09.2022. However, instead of invoking the said appeal remedy, the petitioner has directly approached this Court.

5. Recording the submission made by the learned Special Government Pleader that the petitioner is having an appeal remedy before the respective Revenue Divisional Officer as per Clause 7(1) of the guidelines issued by the Principal Secretary to Government in the Annexure to G.O.(Ms)No.478, Revenue and Disaster Management [RA-3(2)] Department, dated 29.09.2022, this writ petition is disposed of, with liberty to the petitioner to approach the appellate authority and raise all the grounds raised in this writ petition in the appeal. In the event, if any appeal is filed within a period of two weeks from the date of receipt



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of a copy of this order, the appellate authority shall entertain the appeal without reference to the period of limitation and dispose of the same 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 thereafter. 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 Revenue Divisional Officer concerned to consider the same on its own merits. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
smn2

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To:-

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Thisayanvilai Taluk,
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VIVEK KUMAR SINGH, J.

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