



1

W.P.(MD)NO.15470 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 01.09.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15470 of 2015

Jesy Arulappan

... Petitioner

Vs.

1. The Tahsildar,
Kalkulam Taluk,
Thuckalay, Kanyakumari District.

2. Ronickam

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to issue legal heir certificate of the petitioner's husband Late.Arulappan deleting the name of Ronikam.

For Petitioner : Mr.S.Ramakrishnan

For R-1 : Mr.M.Lingadurai,
Special Government Pleader.

* * *

**ORDER**

WEB COPY

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the first respondent.

2. The petitioner's husband passed away on 28.07.2013. The petitioner applied for issuance of legal heir certificate to the Tahsildar, Kalkulam Taluk. While issuing the legal heir certificate, the Tahsildar included the name of the second respondent who is none other than the mother of the petitioner's husband. Seeking deletion of her mother-in-law's name, the present writ petition has been filed.

3. The nomenclature of the certificate no doubt gives an impression that the persons named in the certificate are the legal heirs of the deceased. However, it is not so. The Hon'ble Full Bench in ***P. Venkatachalam and Ors. Vs. The Tahsildar Kumarapalayam Taluk, Namakkal and Ors. (MANU/TN/6066/2022)*** had held as follows:-

“65. To sum up, our answers to the



WEB COPY



questions formulated in paragraph 10, (supra), are as under:

A. Legal heirship is a status governed by the respective personal law of parties through various statutes. **The certificates issued by the Tahsildar amount to nothing more than a relationship certificate reflecting the opinion of the Tahsildar as to the relationship of the applicant and others named therein with the deceased. Consequently, the certificate issued by the Tahsildar does not affect the legal right of any party and has no bearing on the status of a legal heir which is conferred on an individual under his/her personal law.**

...

C. Consequently, a writ of mandamus under Article 226 of the Constitution will not lie to direct the Tahsildar to issue a legal heirship certificate contrary to the terms of a circular. An exception to the aforesaid principle is where the circular, ex-facie, suffers from the vice of arbitrariness or perversity or runs counter to any provision of law. In such cases, it is open to the Court to ignore the circular and grant such relief(s) as may be permissible in law.

...



WEB COPY

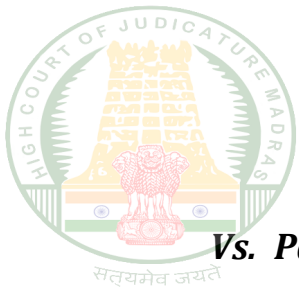


E. A legal heirship certificate issued by a Tahsildar cannot be equated to a succession certificate issued by a Court under Part X of the Indian Succession Act, 1925, in respect of the debt or securities. ... ”

4. When the matter was taken up for hearing, the learned Special Government Pleader produced a copy of the guidelines issued on 28.09.2022. It can be seen therefrom that the legal heir certificate of the deceased (in the case of a married person) will include only the following persons (along with their living status):-

1. Father of deceased
2. Mother of deceased
3. Spouse of deceased
4. Son(s) of deceased
5. Daughter(s) of deceased

5. I am conscious that the parties before me are Christians. Though as per Hindu Law, mother is considered as one of the class-I legal heirs, that is not the case in respect of Christians. A mother is not a legal heir as per the provisions of the Indian Succession Act. The Hon'ble Division Bench of this Court in *Agnes @ Karpaga Devi*



Vs. Pauline @ Pauline Iruthaya Mary (A.S.No.596 of 2019 vide

order dated 07.11.2023) had held as follows:-

“ 8. As per the rules under Section 33 & 33-A where the Christian dies intestate leaving behind a widow and lineal descendants 1/3rd of the property would go to the widow and remaining 2/3rd will go to the lineal descendants. If an intestate dies leaving behind a widow and a kindred 1/3rd of the property will be taken by the widow and the remaining will go the kindred. If there is neither lineal descendants nor kindred, the entire property will go to the widow. Section 33-A provides for certain rules regarding succession and we do not see any situation where provisions of 33-A would apply in this case.

9. Section 43 of the Indian Succession Act deals with Distribution of Assets when there are no lineal descendants and a widow. Section 42 makes the father a heir and Section 43 provides that if the father is not alive on the date of the death of the intestate, his mother and brothers and sisters would be heirs. The provisions of Sections 41 to 45 of the Indian Succession Act would apply only when the heirs mentioned in Section 33 namely, the widow and lineal descendants are not available.”



6. It is made clear that a mere inclusion in the legal heir certificate will not confirm their legal entitlement to any share in the property. That will be satisfied as per the provisions of law or as per the Will executed by the deceased. The legal heir certificate merely contains the name of persons who are intimately related to the deceased by blood / marriage. Therefore, mention of the mother-in-law's name by itself will not entitle her to make any claim on the property. With the aforesaid clarification, the writ petition stands disposed of. No costs.

01.09.2025

NCS : Yes / No
Index : Yes / No
Internet : Yes/ No

PMU

To:

The Tahsildar,
Kalkulam Taluk,
Thuckalay, Kanyakumari District.



WEB COPY



7

W.P.(MD)NO.15470 OF 2015

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.15470 of 2015

01.09.2025