



W.P(MD)No.21964 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD)No.21964 of 2025

and

W.M.P(MD)No.17046 of 2025

Gangadevi

... Petitioner

Vs.

1.The District Collector,
Sivagangai.

2.The Sub Collector,
Sivagangai.

3.Chitra

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent in Mu.Mu.A3/1796/2025 dated 01.07.2025 and quash the same as illegal and further direct the second respondent to cancel the legal heir certificate issued in favour of the third respondent herein in certificate No.TN-7202211152646 dated 30.11.2022.

For Petitioner : Mr.J.Madhu

For R1 & R2 : Mr.C.Satheesh
Government Advocate



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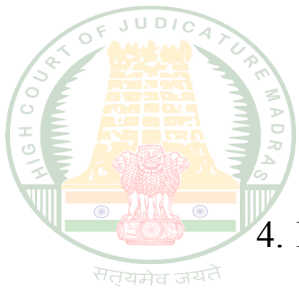
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ORDER

The petitioner is aggrieved by the impugned order datd 01.07.2025 passed by the second respondent, whereby the petitioner's appeal against the order of the Thasildar issuing a legal heir certificate by including the name of the third respondent as the wife of the petitioner's brother namely Late.Murugappan has been rejected.

2. The learned counsel for the petitioner submits that the impugned order is without legal basis, as the third respondent during the enquiry merely stated that she got married to the petitioner's brother in the year 2004. However, no date has been given. Therefore, it appears that based on the false statement, petitioner's appeal has been rejected.

3. That apart, it is submitted that the petitioner's father died on 07.12.2012 and in the legal heir certificate of the petitioner's father dated 22.08.2013 issued by the Thasildar, Devakottai, the status of the petitioner was given as unmarried.



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4. It is submitted that on the strength of the legal heir certificate issued on 30.11.2022, the third respondent is attempting to get the patta mutated in her name. The order passed by the second respondent cannot be questioned in this proceedings as the second respondent is expected to enquire and pass an order.

5. A reading of the impugned order indicates that an enquiry was conducted among villagers, who have stated that the third respondent was indeed married to the petitioner's brother namely Late.Murugappan and that they lived together as Husband and Wife.

6. It is the case of the petitioner that the third respondent ought to have complied with the mandatory requirements of G.O.Ms.No.478 of the Revenue and Disaster Management, Revenue Administration Wing, RA-3(2) Section dated 29.09.2022. It is submitted that the guidelines for issuance of legal heir certificates as per Annexure 2 of the aforesaid Government Order has not been complied with. It is submitted that for proving the relationship of the legal heirs, one of the following documents is required to be submitted.

(2)(i) Legal Heirship Certificate of the deceased (In case of married person) will include only the following members (along with their living status):-



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

(ii) Legal Heirship Certificate of the deceased (In case of unmarried person) will include only the following persons (along with their living status):-

- 1.Father of deceased
- 2.Mother of deceased
- 3.Brother(s) of deceased
- 4.Sister(s) of deceased

7. It is submitted that none of the above documents have been furnished by the third respondent and therefore, the rejection of the petitioner's appeal is liable to be interfered with.

8. Having considered the submissions advanced by the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 and 2, I am of the view that the present writ petition is liable to be dismissed. It is for the petitioner to approach the competent Court of Civil jurisdiction to declare that the petitioner's brother not only died unmarried but also died intestate to establish that the petitioner's children are to inherit the assets/estate of the petitioner's brother Late.Murugappan, who died on 21.10.2015.



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9. The writ petition stands disposed of with the above liberty. No costs.

Consequently, the connected miscellaneous petition is closed.

12.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The District Collector,
Sivagangai.
- 2.The Sub Collector,
Sivagangai.



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C.SARAVANAN, J.

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