



W.P(MD)No.21694 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD)No.21694 of 2025

Muniyammal

... Petitioner

Vs.

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

...Respondent

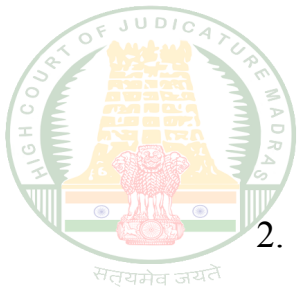
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to issue legal heir certificate of deceased Guruvaiah by including petitioner's adopted daughter namely Chandralekha by considering petitioners representation dated 01.07.2025 within stipulated time fixed by this Court.

For Petitioner : Mr.K.R.Manimaran

For Respondent : Mr.D.Ghandiraj
Special Government Pleader

ORDER

The petitioner has approached this court for a Mandamus to include the name of one Chandralekha as the legal heir of her husband late.Guruvaiya.



W.P(MD)No.21694 of 2025

2. In support of her claim, the petitioner has placed reliance on the family card/ration card issued by the Civil Supply and Consumer Protection Department, Transfer Certificate from the School, Community Certificate and more importantly a settlement deed dated 24.06.2020 executed by her late Husband Guruvaiya, who died on 20.04.2024 wherein he specifically states that the beneficiary/donee, Chandralekha was a adopted daughter of the petitioner and her husband.

3. It is submitted that the failure to include the name of the adopted daughter of the petitioner and her husband late.Guruvaiya, namely Chandralekha, is contrary to Section 12 of the Hindu Adoption and Maintenance Act, 1956.

4. The learned counsel for the petitioner has also placed reliance on the decision of this Court in the case of ***M.G.Mamtha and others Vs. The Tahsildar, Dhenkanikottai Taluk Office, (W.P.(MD)No.27592 of 2017***), wherein, this Court after considering Section 12 of the Hindu Adoption and Maintenance Act, 1956, and considering the decision of the Hon'ble Supreme Court in the case of ***Namdev Vyankat Ghadge Vs.Chandrakant Ganpat Ghadge reported in 2003 (4) SCC 71***, held as follows:



12. Perusal of the above said provision of law as well as the decision of the Apex Court, as discussed supra would show without any ambiguity that an adopted child, from the date of the legal adoption, becomes the child of adoptive father or mother for all purposes since such child severed his or her ties in the family of his or her birth from the said day onwards. Consequently, all the ties of the child are replaced in the adoptive family created by adoption. Though such adopted child, in the adoptive family, is not the child by biological creation, however, it should be born in mind that such adopted child is the child of the adoptive family by legal creation, which status certainly confers on such child all such rights as a biological child in the adoptive family. Once such right is conferred under law, the said child is to be considered, treated, looked into, given the status as the child of the adoptive family, as the prefix "adopted" is bound to vanish or atleast loose its significance any more for any purpose from the day of adoption. Hence, the respondent is not empowered to deny the same and refuse to issue the Legal Heirship Certificate to the second petitioner, as she is to be treated as the child of the deceased Chandrasekar for all purposes and consequently, she becomes the Class I heir of the deceased and thus, entitled to get her name also included in the Legal Heirship Certificate.

5. Per contra, the learned Special Government Pleader for the respondent has relied on the decision of this Court rendered in the case of

R.Prema Vs The District Collector, Tenkasi and others (WP(MD)No.17509

of 2025), wherein it was held as under:

6. In this case, I find no violation of the procedure adopted either by the third respondent/Tahsildar or by the second respondent/Revenue Divisional Officer in passing the impugned order. The impugned order has referred to a report of the Revenue Inspector, Alangulam, wherein, the Revenue Inspector has stated that the petitioner was born to one Ramasamy and Arunachala Vadivu and that there are no records to substantiate that the



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petitioner was legally adopted by the said Late.Madana Sundari and her husband Late.Samudrapandi.

7. The petitioner appears to have above mentioned documents, which indicate that there is an adoption, although not strictly in accordance with provisions of the Hindu Adoptions and Maintenance Act, 1956.

8. Since there are overwhelming documents that the petitioner was adopted and brought up by the said Madana Sundari-Samudrapandi, it is for the petitioner to approach the Civil Court for appropriate decree.

9. Accordingly, this Writ Petition is dismissed, with liberty to the petitioner to get a decree to the effect that the petitioner is the adopted daughter of the said Madana Sundari-Samudrapandi. No costs. Consequently, connected miscellaneous petition is closed.

6. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Special Government Pleader for the respondent.

7. In my view, there is no doubt that the petitioner's adopted daughter will be entitled to the rights under Section 12 of the Act. However, the adoption has to be strictly in accordance with the provisions of the Act or in the alternative, it is for the petitioner to establish the right that the said Chandralekha is indeed the adopted daughter of the petitioner.

8. Although there are over whelming records to indicate that the said Chandralekha has been treated as daughter of the petitioner and her husband late.Guruvaiya, it is for the petitioner to obtain a suitable declaration so that



W.P(MD)No.21694 of 2025

there is no ambiguity in future in this regard. This would be also in line with the Government Order in G.O.(Ms)No.478, Revenue and Disaster Management, Revenue Administration Wing, RA-3(2) Section, dated 29.09.2022 and the annexure attached to the said G.O., for issuance of legal heir certificate, which reads as under:

6. Adopted Children:

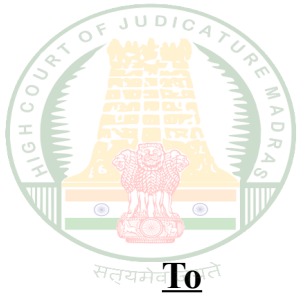
In case of issue of Legal Heir Certificate to an adopted child, the Tahsildars should issue Legal Heir Certificate after confirming that the individual has been adopted legally.

9. Therefore, it is open to the petitioner to approach the Civil Court for obtaining suitable decree in this regard. The petitioner is permitted to file a suit within a period of 30 days from the date of receipt of a copy of this order for appropriate declaration that the said Chandralekha is the adopted daughter of the petitioner and her husband, late.Guruvaiah.

10. The writ petition stands disposed of. No costs.

08.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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W.P(MD)No.21694 of 2025

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To
The Tahsildar,
Taluk Office,
Theni Taluk,
Theni District.



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W.P(MD)No.21694 of 2025

C.SARAVANAN, J.

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W.P(MD).No.21694 of 2025

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