



W.P.(MD) No. 22634 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No. 22634 of 2025

P.Megala

... Petitioner

Vs

1. The Revenue Divisional Officer,
Melur,
Madurai District.

2. The Tahsildar,
Melur Taluk,
Madurai District.

3. Karuppaiah

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the third respondent to not cancel the of Legal Heirship Certificate No. TN-7202506122098 dated 28.06.2025 without civil court decree by the third respondent on the basis of the petitioner representation dated 08.08.2025.

For petitioner : Mr. J. Vishnu



W.P.(MD) No. 22634 of 2025

WEB COPY

For respondents : Mr.K.R.Badurus Zaman
Government Advocate for R1 & R2

ORDER

This Writ Petition is taken up for hearing at the time of admission with the consent of the learned counsel for the petitioner and the learned Government Advocate for the respondents and after dispensed with the notice on the third respondent, as no adverse orders are proposed to be passed against the third respondent.

2. The petitioner claims that the third respondent, who is none other than the petitioner's husband's brother, has initiated a proceedings to cancel the Legal Heir Certificate, dated 28.06.2025 issued incorporating the name of the petitioner and the petitioner's son Sri Renganathan.

3. It is the case of the third respondent that the petitioner and the petitioner's husband, Late.Pramban @ Ravi (the brother of the third respondent), were estranged and that the marriage between them was dissolved by the III Additional Sub Court, Madurai in H.M.O.P.No.254 of 2008, dated 26.08.2009.



W.P.(MD) No. 22634 of 2025

WEB COPY

4. It is the case of the petitioner that although the petitioner's deceased husband had initiated H.M.O.P.No.254 of 2008, they had compromised and lived together till his death on 29.11.2023. It is submitted that though an order was passed on 26.08.2009 in H.M.O.P.No.254 of 2008, it was an *ex parte* order.

5. It is further submitted that out of union between the petitioner and her late husband, the petitioner's son, namely, Sri Renganathan was born on 29.05.2008, which is questioned by the third respondent. It is submitted that the third respondent has incidentally filed O.S.No.148 of 2024 before the District Munsif Court, Melur.

6. Since the third respondent has also initiated proceedings for an identical relief to declare that neither the petitioner nor her son born on 29.05.2008 are the legal heirs of the deceased brother of the third respondent in view of the dissolution of the marriage by the III Additional Sub Court, Madurai in H.M.O.P.No.254 of 2008, dated 26.08.2009, there shall be a direction to the respondents 1 and 2 to defer the proceedings pursuant to the representation of the



W.P.(MD) No. 22634 of 2025

WEB COPY

third respondent pending judgment and decree of the District Munsif Court, Melur in O.S.No.148 of 2024.

7. It is open for the petitioner to establish before the Court in O.S.No.148 of 2024 that though the decree that was granted in H.M.O.P.No.254 of 2008 dated 26.08.2009, the petitioner and her late husband Pramban @ Ravi lived together and out of union, their son was born on 29.05.2008, by producing necessary scientific evidence to establish that the son was born out of the union between the petitioner and the said Late.Pramban @ Ravi.

8. This Writ Petition is disposed of, with the above observations. No costs.

Index : Yes / No
Internet : Yes / No
apd

20.08.2025

To
1. The Revenue Divisional Officer,
Melur,
Madurai District.

2. The Tahsildar,
Melur Taluk,
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4/5



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W.P.(MD) No. 22634 of 2025

C.SARAVANAN, J.

apd

W.P.(MD) No. 22634 of 2025

20.08.2025