



W.P.(MD) No.22611 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 20.08.2025

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.22611 of 2025

M.Suresh

...Petitioner

Vs.

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

2.P.Ramamoorthi

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to set aside the legal heir certificate granted by him in order No.2657/2021/A7 considering the petitioner's representation dated on 04.07.2025.

For Petitioner : Mr.G.Dharmaraj

For Respondents : Mr.C.Satheesh
Government Advocate

* * * * *

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



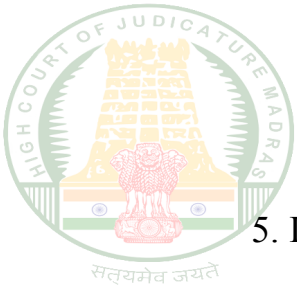
W.P.(MD) No.22611 of 2025

Advocate for the first respondent and after dispensing with the notice on the second respondent, as no adverse orders are proposed to be passed against the second respondent.

2. The petitioner claims to be the son of one Muthuminor, brother of the deceased Sethuraman. The petitioner's father Muthuminor died on 12.11.2002.

3. It is the case of the petitioner that the petitioner's uncle, namely, Sethuraman died on 14.06.2007 and that the second respondent, who is none other than the brother of the petitioner's father and Late.Sethuraman surreptitiously obtained a decree from the District Munsif Court, Bodinayakanoor in O.S.No.14 of 2021 on 02.08.2021 declaring himself as the sole surviving legal heir of the deceased Sethuraman.

4. It is submitted that the petitioner as also the petitioner's siblings as also the petitioner's aunt, namely, Radha are the other legal heirs, whose names ought to have been included as the defendants, before the decree was passed in O.S.No.14 of 2021.



W.P.(MD) No.22611 of 2025

5. It is submitted that in any event, the Legal Heir Certificate issued to the second respondent on 27.08.2021 was without enquiry and based on the decree secured by the second respondent.

6. The learned counsel for the petitioner submits that the petitioner came to know about the same only recently and therefore, approached this Court for a Mandamus to direct the first respondent/Tahsildar to cancel the Legal Heir Certificate issued to the second respondent based on the petitioner's representation dated 04.07.2025.

7. *Prima facie*, it appears that the decree secured by the second respondent was without impleading the other legal heirs of the Late.Sethuraman, who died on 14.06.2007. Legal Heir Certificate, dated 27.08.2021 has been issued to the second respondent based on the decree secured from the said Court on 02.08.2021.

8. Considering the same, the petitioner's representation for cancellation of the Legal Heir Certificate issued on 27.08.2021 cannot be countenanced without setting aside the decree obtained by the second respondent in O.S.No. 14 of 2021. Therefore, the petitioner is given a liberty to file an appropriate



W.P.(MD) No.22611 of 2025

application to set aside the *ex parte* decree obtained behind the back of the petitioner and other siblings of the legal heirs of Late.Sethuraman.

9. Under these circumstances, liberty is given to the petitioner to approach the District Munsif Court, Bodinayakanoor to set aside the *ex parte* decree in O.S.No.14 of 2021, dated 02.08.2021. In case the decree is set aside, the first respondent shall consider the petitioner's representation at that stage.

10. With the above liberty, this Writ Petition is disposed of. No costs.

20.08.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
apd

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



WEB COPY



W.P.(MD) No.22611 of 2025

C.SARAVANAN, J.

apd

W.P.(MD)No.22611 of 2025

20.08.2025