



W.P.(MD)No.25560 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2025

CORAM:

THE HON'BLE MS.JUSTICE P.T.ASHA

W.P.(MD).No.25560 of 2025

and

W.M.P(MD)No.20257 of 2025

Moorthy

... Petitioner

Vs.

The Tahsildar
Kovilpatti Taluk,
Thoothukudi District.

... Respondent

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 pertaining to the impugned order passed by the 3rd respondent in TNCIT000000012209893 dated Nil and quash the same and consequently direct the respondent to issue Legal Heir certificate on the basis of application dated 30.06.2025 and self declaration and pass such further or other orders.

For Petitioner : Mr.C.R.Ponnuthai

For Respondent : Mrs.D.Sasi Kumar
Additional Government Pleader



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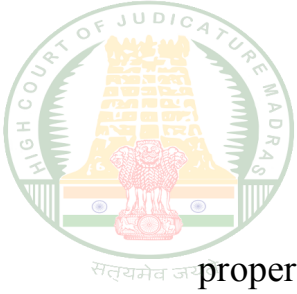
ORDER

The writ petition has been filed for the following relief:-

Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 3rd respondent in TNCIT000000012209893 dated Nil and quash the same and consequently direct the respondent to issue Legal Heir certificate on the basis of application dated 30.06.2025 and self declaration and pass orders.

2. Mr.D.Sasi Kumar, learned Additional Government Pleader takes notice on behalf of the respondent.

3. The petitioner would submit that he had been adopted when he was 1 ¼ years old by his junior maternal aunt Sivaguru and her husband Peria Veyilatchi as they had no issues. The adoptive parents had taken care of him like their own children provided him with education etc. His marriage was also conducted by his adoptive parents and out of the wedlock with one Shanmugasundari, he has been blessed with two sons namely Sakthivel and Madhupooshan. While so, in the year 2020, his adoptive father and his mother executed a registered will dated 25.02.2020 in respect of their properties in favour of the petitioner herein. Some of the



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properties were also allotted to his minor children and the petitioner was appointed as their guardian. 5 years thereafter, his adoptive father had passed away on 12.05.2025. The death certificate was also issued on 27.05.2025. Thereafter, the petitioner had applied for Legal Heirship Certificate showing himself and his adoptive mother Sivaguru as legal heirs of the deceased Peria Veyilatchi. However, the respondents had rejected his online application with a single line which reads as follows:-

“இறந்த நபருக்கு மூர்த்தி என்பவர் வாரிசு கிடையாது தத்தெடுத்த பிள்ளை ஆவார் எனவே மனுதள்ளுபடி செய்யப்படுகிறது”

4. Challenging the same, the petitioner is before this Court.

5. Heard the learned counsel on either side.

6. The impugned order clearly shows that the same is now a non-speaking one line order. In fact, the impugned order would state that the petitioner is not entitled to the Legal Heirship Certificate as he is only an adoptive son. Adoptive child is deemed to be the child of his adoptive parents and consequently, would be deemed to Class I Legal Heir under the Hindu Succession Act, 1956.



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7. The learned Additional Government Pleader appearing for the respondent would submit that there are no documents to show the adoption has been filed. The petitioner would submit that he had been adopted even when he was 1 ¼ years old. Further, in all his official records, he has been shown only as the son of his adoptive parents.

8. That apart, the adoptive parents have executed a registered 'Will' in which they have described the petitioner herein as the adoptive son. Therefore, the writ petition is allowed both on the grounds of the order being a non-speaking one line order and on the ground of non-application of mind. Therefore, the impugned order is set aside and the matter is remitted back to the respondent. The petitioner shall submit an affidavit of his adoptive mother stating that the petitioner has been adopted by herself and her late husband besides the other documents within a period of one (1) week from the date of receipt of a copy of this order. On production of such documents, the respondent shall pass orders issuing the Legal Heir certificate considering his application dated 30.06.2025 within a period of four (4) weeks there from.



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9. The writ petition is allowed with the above observations and directions. No costs. Consequently, connected miscellaneous petition is closed.

19.09.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm

To

The Tahsildar
Kovilpatti Taluk,
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P.T.ASHA, J.

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