



W.P.(MD)No.25115 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2025

CORAM:

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

W.P.(MD).No.25115 of 2025

and

W.M.P(MD)Nos.19704 and 19705 of 2025

1. M.Poongothai
2. Vijayavignesh

... Petitioners

Vs.

1. The Revenue Divisional Officer,
Madurai.
2. The Tahsildar,
Madurai West Taluk,
Madurai.

3. Sampooranam

... 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 relating to the impugned orders of the 2nd respondent in Application No. TN-720240817290 dated 17.08.2024 and application No. TN-720240830894 dated 30.08.2024 and Application No. TN-720250716924 on 16.07.2025 and quash the same and consequently direct the 1st respondent to issue legal heir certificate to the petitioners and pass such other or further orders as this Honble Court may deem fit and proper in the circumstances of this case and thus render justice.



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For Petitioners : Mr.S.Packiya Muthu
For R1 & R2 : Mr.A.Kannan
Additional Government Pleader
For R3 : Mr.R.G.Shankar Ganesh

ORDER

The petitioners seeks to quash the order passed by the 2nd respondent in Application No. TN-720240817290 dated 17.08.2024 and application No. TN-720240830894 dated 30.08.2024 and Application No. TN-720250716924 on 16.07.2025 and consequently, direct the 1st respondent to issue the legal heirship certificate.

2. Mr.A.Kannan, learned Additional Government Pleader takes notice on behalf of the respondents 1 & 2 and Mr.R.G.Shankar Ganesh, learned counsel takes notice on behalf of the 3rd respondent.

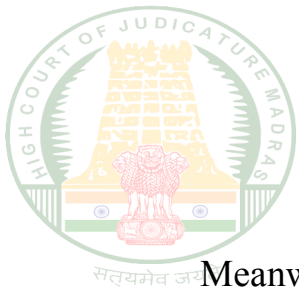
3. It is the case of the 1st petitioner that she was married to one Murugesan on 06.06.1990 and out of the wedlock, a male child viz., the 2nd petitioner was born. Her husband was serving as a Sub-Inspector of Police and had retired from service in the year 2010. She would submit



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that owing to certain misunderstandings with her husband, she had been residing at her maternal home since 1995. However, the two were not legally divorced. She would further submit that her husband used to visit her and her son once a week and was providing maintenance to them. While so, her husband had passed away on 27.09.2022 and she had applied for the death certificate which was issued on 16.08.2025 and thereafter, she had made an application for issue of legal heirship certificate before the 2nd respondent. However, the 2nd respondent rejected the request solely based on the report of the Village Administrative Officer (VAO) who had stated that the 1st petitioner's husband had two wives. The 2nd respondent had not independently held any enquiry. Once again, she had made an application for issue of legal heirship certificate without challenging the earlier rejection order and the same was once again rejected by the 2nd respondent by contending that her brother in law viz., the 3rd respondent had raised an objection. Thereafter, on advice the 1st petitioner had filed an appeal before the 1st respondent on 21.09.2024 and by communication dated 18.10.2024. The 1st respondent directed the 2nd respondent to conduct an enquiry and forward the report to the 1st respondent. However, no enquiry was held by the 2nd respondent.



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Meanwhile, the 1st petitioner has been continuously approaching the office of the 2nd respondent, however without any result. Thereafter, yet another application was made on 16.07.2025 which was also rejected by the 2nd respondent stating that they had received an objection from the two adoptive children of the deceased. Once again, there was no mention about the person who had made objection and the 2nd respondent had not proceeded to conduct an enquiry. The 1st petitioner suspecting foul play on account of these rejections had approached an Advocate who advised the petitioner that the impugned orders have to be challenged as arbitrary and in violation of the principles of natural justice. He had advised the 1st petitioner to withdraw the appeal that was pending before the 1st respondent and she has therefore now preferred the above writ petition seeking to challenge the refusal orders passed by the 2nd respondent.

4. Heard the learned counsel on either side.

5. Admittedly, the petitioners are the wife and children of the deceased P.Murugesan and are therefore, the Class I Legal Heirs. The 3rd respondent on the other hand is not a Class I Legal Heir of the



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1st petitioner's husband P.Murugesan. Even the rejection order dated 16.07.2025 would state that objections have been made by the adoptive children without filing their details. When the Class I Legal Heirs are available, the question of the brother being shown as a Class I Legal Heir does not arise. The persons claiming to be the adoptive children have to prove the same before they are recognized as the Class I Legal Heirs of P.Murugesan.

6. It is also seen that all the orders of the rejection has been made behind the petitioner's back. Therefore, the impugned orders dated 17.08.2024, 30.08.2024 and 16.07.2025 are set aside and the matter is remitted back to the file of the 2nd respondent to pass orders for issuance of legal heirship certificate after considering the objections made by the petitioner as well as the 3rd respondent or any other person. The said exercise shall be completed within a period of one (1) month from the date of receipt of a copy of this order. It is needless to state that the 2nd respondent shall consider the relationship of the parties and their entitlement to be declared as the legal heirship of the deceased P.Murugesan.



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7. With the above observations and directions, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

16.09.2025

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



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To

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Madurai.
2. The Tahsildar,
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