



W.P.(MD)No.29220 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.10.2025

CORAM:

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

W.P.(MD).No.29220 of 2025

and

W.M.P(MD)No.22591 of 2025

A.Shek Japar Ali

... Petitioner

Vs.

The Tahsildar,
Thiruverumbur Taluk Office,
Tiruchirappalli District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for records relating to the online order of rejection passed by the Respondent in Application No.TN-7202503011716, dated 01.03.2025, quash the same and consequently direct the respondent to issue a Legal Heir Certificate in respect of the deceased Shek Ali Akbar, by including the petitioner as his sole legal heir.

For Petitioner : Mr.J.Barathiveerakumar
For Respondent : Mr.A.Kannan
Additional Government Pleader



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ORDER

The above writ petition is filed for a certiorarified mandamus to quash the online rejection order passed by the respondent dated 01.03.2025, consequently, direct the respondent to issue a Legal Heir Certificate in respect of one late Shek Ali Akbar by including the petitioner as his sole legal heirs.

2. Mr.A.Kannan, learned Additional Government Pleader takes notice on behalf of the respondent.

3. By consent of both the parties, the writ petition is taken up for final disposal at the admission stage itself.

4. The petitioner contention in the writ petition are as follows:-

The petitioner's brother namely Shek Ali Akbar, who was a railway employee had passed away on 29.10.2021. The said Shek Ali Akbar got married and had subsequently got divorced. He also did not have any issue out of this wedlock. Therefore, he had died without leaving behind any



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Class I Legal Heirs. The petitioner would submit that his father and mother had also passed away and his sister namely Fathima Bee, was a spinster and she died issueless on 21.05.2006 and therefore, being the only surviving sibling, he alone is the surviving legal heir of his deceased brother namely Shek Ali Akbar.

5. He would submit that as per Clause 2 of the Hindu Succession Act, 1956, which is applicable to muslims by custom, he has to be recognized as the legal heir of the deceased Shek Ali Akbar. He would further submit that he has also filed an application for issuance of Legal Heir Certificate and the same has been rejected by the impugned order on the ground that the deceased Shek Ali Akbar was married and divorced and that the petitioner is only a secondary legal heir. Challenging the same, the petitioner is before this Court.

6. The learned counsel appearing for the petitioner would submit that as early as in the year 1991, the petitioner's brother had divorced his wife and a 'talaqnama' had also been produced. The death certificate of his parents has also been enclosed as of that of his sister. The petitioner has



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also filed a family card which shows that his brother deceased Shek Ali Akbar, his sister deceased Fathima Bee and the petitioner were living together at Plot No.8E, Maji Mali Colony, 7th Street, Trichirappalli.

7. Per contra, Mr.A.Kannan, learned Additional Government Pleader appearing for the respondent would submit that the petitioner has come to this Court suppressing the fact that an earlier application made by him has been rejected by an order dated 15.02.2025 and in that application he had suppressed the fact that the petitioner was married. It was only during the enquiry by the Revenue Inspector that this fact had come to light so the veracity or otherwise of the 'talaqnama' has also to be gone into and therefore, the impugned order passed by the respondent cannot be questioned.

8. Heard the learned counsel on either side.

9. The narration above would clearly show that at the first instance, the petitioner had not brought to the notice of the authorities that the deceased Shek Ali Akbar was married. There is no mention about his



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divorce as well. It is only in the present proceedings that the 'talaqnama' has been produced. The petitioner has not stated as to whether the said Jainab beevi, the wife of his late brother was alive or otherwise.

10. That apart, the petitioner has not produced the records relating to the employee details of the deceased Shek Ali Akbar with the Indian Railways to substantiate his contention that the said Shek Ali Akbar was divorced and living as a bachelor.

11. Be that as it may, when there is a doubt expressed with reference to the rights of the petitioner to claim to be the only surviving legal heirs of the deceased Shek Ali Akbar, it is for the Civil Court to decide the same and declare the legal representatives of the deceased Shek Ali Akbar.

12. No doubt the Government has issued G.O.(Ms)No.478 Revenue & Disaster Management, Revenue Administration Wing, RA-3(2) Section dated 29.09.2022 giving the guidelines for issuance of the Legal Heir Certificate. Wherein, under Guidelines II, the brother of the deceased unmarried person could also be included as the legal heirs of the deceased.



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However, the existence or otherwise and the veracity of the 'talaqnama' has been called into question.

13. In such facts and circumstances, I see no reason to interfere with the impugned order passed by the respondent dated 01.03.2025. Consequently, the writ petition stands dismissed. However, it is always open to the petitioner to take recourse to such legal proceedings, as is advised. No costs. Consequently, connected miscellaneous petition is closed.

16.10.2025

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



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To
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P.T.ASHA, J.

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