



W.P(MD)No.28082 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.28082 of 2025

S.Banumathi

..Petitioner

Vs

The Tahsildar,
Tiruchendur,
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 to call for the records relating to the impugned proceedings issued by the respondent in O.Mu.Aa4/4478/2025 dated 20.09.2025 and quash the same and consequently direct the respondent to issue legal heirship certificate to the petitioner for her deceased adoptive parents viz., Samy and Alagammal.

For Petitioner : Mr.M.P.Senthil

For Respondent : Mrs.D.Farjana Ghoushia
Spl. Govt. Pleader



W.P(MD)No.28082 of 2025

ORDER

WEB COPY

The petitioner has filed the present writ petition seeking issuance of a Writ of Certiorarified Mandamus, to quash the impugned proceedings issued by the respondent in O.Mu.Aa4/4478/2025 dated 20.09.2025, and consequently direct the respondent to issue a Legal Heirship Certificate to the petitioner in respect of her deceased adoptive parents, namely, Samy and Alagammal.

2. The learned counsel for the petitioner submitted that the petitioner was duly adopted by Samy and Alagammal during her childhood, and ever since the said adoption, she has been treated, recognized, and recorded as their daughter in all official records. It was argued that despite overwhelming documentary evidence having been produced, the respondent rejected her request for issuance of legal heirship certificate merely on the ground that a formal adoption deed was not produced. It was further contended that the adoption was acknowledged by the adoptive father Samy himself in a registered sale deed dated 12.11.1998, executed in favour of the petitioner, and that the community certificate of the year 1991, transfer certificate, and death certificate of Alagammal all record the petitioner as the daughter of Samy and Alagammal. Hence, the impugned order suffers from non-application of mind and ignoring material evidence.



W.P(MD)No.28082 of 2025

WEB COPY

3. The learned Special Government Pleader appearing for the respondent submitted that the petitioner's application was rejected since no registered adoption deed was enclosed with the request for legal heirship certificate. It was contended that in the absence of a registered document evidencing adoption, the respondent was constrained to reject the petitioner's claim.

4. This Court has carefully perused the records and the impugned proceedings.

5. A perusal of the documents filed in the typed set of papers reveals that the community certificate of the year 1991, issued by the Headquarters Tahsildar, Tirunelveli, recognizes the petitioner as the daughter of Samy and Alagammal. The registered sale deed dated 12.11.1998, executed by Samy, categorically describes the petitioner as his adopted daughter. The transfer certificate issued to the petitioner also records Samy as her father. The death certificate of Alagammal similarly records the petitioner as her daughter. Moreover, even in the impugned order, the respondent has recorded that, upon local enquiry, it was found that the petitioner is indeed the adopted daughter of Samy and Alagammal. Having accepted that factual position, the respondent's rejection solely on the ground of non-production of an adoption deed is untenable, particularly when



W.P(MD)No.28082 of 2025

overwhelming documentary evidence and consistent official recognition exist to establish the adoption. Hence, the impugned order suffers from arbitrariness and failure to consider relevant materials, and therefore cannot be sustained.

6. In view of the foregoing discussion, the impugned proceedings issued by the respondent in O.Mu.Aa4/4478/2025 dated 20.09.2025 are hereby set aside. The respondent is directed to issue the legal heirship certificate to the petitioner, recognizing her as the adoptive daughter of the deceased Samy and Alagammal, within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. This writ petition stands allowed. No costs.

22.10.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
skn

To

The Tahsildar,
Tiruchendur,
Thoothukudi District.



WEB COPY



W.P(MD)No.28082 of 2025

P.T.ASHA, J.

skn

Writ Petition(MD)No.28082 of 2025

22.10.2025