



W.P.(MD)No.32662 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 17.11.2025

CORAM:

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

W.P.(MD).No.32662 of 2025

and

W.M.P(MD)No.25743 of 2025

Bathurtheen

... Petitioner

Vs.

The Thasildar,
O/o Thasildar office,
Kumbakonam Taluk,
Thanjavur 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 of the Impugned order passed by Respondent vide Na.Ka. 8403/2025/A1 dated 22.10.2025 on the Petitioners Application for the issuance of legal heir certificate and to quash the same as illegal and arbitrary and consequently direct the Respondent to issue separate legal heir Certificate to the Petitioner within the period that may be stipulated by this Honble Court.

For Petitioner : Mr.V.Vishnu

For Respondent : Mrs.D.Farjana Ghoushia
Special Government Pleader



W.P.(MD)No.32662 of 2025

WEB COPY

ORDER

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

“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 of the Impugned order passed by Respondent vide Na.Ka.8403/2025/A1 dated 22.10.2025 on the Petitioners Application for the issuance of legal heir certificate and to quash the same as illegal and arbitrary and consequently direct the Respondent to issue separate legal heir Certificate to the Petitioner within the period that may be stipulated by this Honble Court”

2. Mrs.D.Farjana Ghoushia, learned Special Government Pleader takes notice on behalf of the respondent.

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

4. The case of the petitioner is that his mother had passed away as early as on 17.10.2003. Thereafter, his father had married one Fatima, who is the step mother of the petitioner. The petitioner has one brother, two sisters and two step brothers. While so, on 12.06.2015, the petitioner's



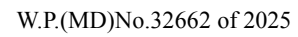
W.P.(MD)No.32662 of 2025

father had died leaving behind the petitioner, his step mother, his brother, his two sisters, his two step brothers as the surviving legal heirs. Subsequent to his father's death, the petitioner had applied for issuance of legal heir certificate, however, the same was rejected vide order dated 22.10.2025 bearing Na.Ka.No.8403/2025/A1. Challenging the same, the petitioner is before this Court.

5. Heard the learned counsel on either side.

6. The impugned order dated 22.10.2025 has been passed on the ground that the petitioner's father namely deceased Ismath Batcha had married one Fatima during the subsistence of his marriage with his first wife Prathagani.

7. The impugned order suffers from non application of mind in as much as the respondents had failed to consider the fact that the parties before him are Muslims and not governed by the Hindu Marriage Laws. The impugned order passed by the respondent is not only an arbitrary one but also without any basis.



9. With the above directions, the writ petition stands allowed.

No costs. Consequently, connected miscellaneous petition is closed.

17.11.2025

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



W.P.(MD)No.32662 of 2025

WEB COPY

To

The Thasildar,
O/o Thasildar office,
Kumbakonam Taluk,
Thanjavur District.



WEB COPY



W.P.(MD)No.32662 of 2025

P.T.ASHA, J.

rgm

W.P.(MD).No.32662 of 2025
and
W.M.P(MD)No.25743 of 2025

17.11.2025