



W.P.No.50554 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2026

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 50554 of 2025
&
W.M.P.No. 56608 of 2025

Vijayalakshmi

...Petitioner

Vs.

1 .The District Collector,
Collectorate,
Erode.

2.The Revenue Divisional officer,
RDO office,
Erode.

3.The Thasildhar,
Erode Taluk office,
P.S.Park,
Erode



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4.Purushothaman

5.Prema

...Respondents

Prayer: Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in Na.Ka.6706/2023/A3 dated 13.10.2025 and to quash the same and to direct the respondent-3 to issue legal heir certificate of Late.Gumanan included the name of the petitioner within time as stipulated by this Court.

For Petitioner : Mr. M.Saravanakumar

For Respondents : Mr. R.Neelakandan
1 to 3 Additional Advocate General

Assisted by
Mr. Yogesh Kannadasan
Special Government Pleader.

ORDER

This writ petition is filed for the following relief:

“To call for the records of the 2nd respondent in Na.Ka.6706/2023/A3 dated 13.10.2025 and to quash the same and consequently direct the 3rd respondent to issue



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legal heir certificate of Late.Gumanan including the name of the petitioner within a time as stipulated by this Court.”

2. The petitioner would submit that she married one Gumanan on 07.03.1986, as per Hindu rites and customs. She would submit that the said Gumanan was earlier married to one Dhanabhagyam and the said Dhanabhagyam died on 30.11.1985. The 5th respondent is the mother of the said Gumanan and the 4th respondent is his son through his first wife, Dhanabhagyam. The said Gumanan died on 27.06.2022.

3. The petitioner would further submit that she had made an application for legal heir certificate and due to intervention of the 4th respondent, the 3rd respondent has issued a legal heir certificate to respondents 4 and 5, without including the names of the petitioner and her son.

4. Challenging the said order, the petitioner preferred an appeal in Appeal No.6707 / 2023 and the 2nd respondent by order dated 13.10.2025, included the name of the petitioner's son and denied legal



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heir certificate to the petitioner. Aggrieved thus, the petitioner is before this Court.

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5. Heard the rival submissions on the either side and perused the records.

6. The petitioner is aggrieved by the fact that the rejection of request suffers from total non application of mind. The petitioner had married the deceased Gumanan, after the demise of his first wife and not during the subsistence of the same. Further, the Government in GO.Ms.No.110, Revenue and Disaster Management, Revenue Administration Wing, RA-3 (2) Section, dated 13.03.2024, in pursuance of the order of this Court in WP.No.25247 of 2021 had amended the clause 2 therein, by stating that in case of death of a person who had remarried, after the demise of legally wedded wife or after divorce granted by competent Court, then the legal heir certificate should be issued to the children of pre-deceased / legally divorced wife and the existing spouse of the deceased etc.,



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7. The petitioner squarely falls within clause I B (ii), which reads as follows:

“Existing spouse(s) of the deceased, (Mention the names of the spouses, if more than one spouse, if permissible under relevant Personal Law)”

8. Therefore, the rejection is erroneous. Consequently, this writ petition is allowed and the respondents 1 to 3 are directed to issue legal heir certificate including the name of the petitioner and her son along with respondents 4 and 5, within a period of 4 weeks from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed. No costs.

07.01.2026

Index : Yes/No
Internet : Yes/No
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