



W.P(MD)No.2097 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

Writ Petition(MD)No.2097 of 2022

and

WMP(MD)No.1798 of 2022

A.Mahalakshmi

.. Petitioner

Vs

1.The District Collector,
Collectorate,
Tiruchirappalli - 620 001.

2.The Tahsildar,
NH 227, Paramasivapuram,
Lalgudi Taluk,
Tiruchirappalli 621 601.

3.A.Reginamary
(R3 is impleaded vide court order
dated 03.03.2026 in WMP(MD)No.14 of 2024)

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call upon the impugned legal heir certificate culminated in certificate No.TN-7202109142823 dated 22.09.2021 on the file of the second respondent and quash the same as illegal, unlawful, void-ab initio, without authority and without jurisdiction and not binding on the petitioner.



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For Petitioner : Mr.B.Prasanna Vinoth
For Respondent : Mr.S.Kameswaran
Govt. Advocate (for R1 & R2)
Mr.A.Zubaitha Banu (for R3)

ORDER

The petitioner challenges the legal heir certificate dated 22.09.2021 issued by the second respondent, wherein the name of the third respondent, along with those of her sons and daughters, has been included.

2. The petitioner claims to be the second wife of the deceased, Albert Arockiyasamy, stating that their marriage was solemnised about 40 years ago and that they had no children. Albert Arockiyasamy died on 10.08.2021. According to the petitioner, the deceased was residing at the given address of the petitioner.

3. The third respondent submitted an application to the second respondent seeking issuance of a legal heir certificate in respect of the deceased. The petitioner filed objections on 19.08.2021, drawing the attention of the second respondent to G.O.Ms. No. 2906, Revenue Department, dated 04.11.1981, and Circular No. 11/2017, Rc.No. RA



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5(3) 180/2017, dated 09.08.2017, wherein guidelines have been issued to Tahsildars not to issue legal heir certificates in cases where the deceased has left behind more than one spouse.

4. The grievance of the petitioner is that, despite such objections and the said circular, the second respondent proceeded to issue the impugned legal heir certificate.

5. Learned counsel for the petitioner submitted that, though the circular may not have statutory force, it contains binding administrative guidelines prohibiting issuance of legal heir certificates where the deceased is survived by more than one spouse. It is further submitted that the validity of the said circular has been upheld by a Division Bench of this Court in W.P.(MD) Nos. 165 of 2022 and 21441 of 2021, dated 12.01.2022. Therefore, according to the petitioner, the impugned certificate is arbitrary and unsustainable.

6. Per contra, the learned Additional Government Pleader appearing for the official respondents submitted that the circular does not have the force of law and that, if it is found to be arbitrary, perverse, or contrary to statutory provisions, it is open to the Court to ignore the same. In support of this submission, reliance was placed



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on the decision of a Coordinate Bench of this Court in W.P. Nos. 25247 of 2021, etc., batch.

7. Learned counsel for the third respondent submitted that the petitioner has admitted that the third respondent is the first wife of the deceased, and therefore cannot challenge the issuance of the legal heir certificate in her favour. It is further contended that relegating the third respondent to approach the civil court would be an empty formality.

8. This Court has considered the submissions made on either side and perused the materials available on record.

9. The petitioner has admitted that the third respondent is the first wife of the deceased, Albert Arockiyasamy. The petitioner claims to have contracted a second marriage during the subsistence of the first marriage and has produced certain documents such as Aadhaar Card and Ration Card in support of her claim. However, without going into the question as to the validity of such alleged second marriage, the issue that arises for consideration is whether the Tahsildar has the authority to issue the legal heir certificate in the facts of the present case.



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heir of the deceased. Relegating her to approach the civil court for declaration would serve no useful purpose.

13. The Coordinate Bench of this Court, in W.P. No. 25247 of 2021, etc., batch, by order dated 20.03.2023, relying upon the Full Bench decision, held that the circular does not have statutory force and does not bind the Court, though it binds the Tahsildar as an administrative instruction to ensure consistency in decision-making.

14. The Full Bench further held that a writ of mandamus under Article 226 of the Constitution would ordinarily not be issued to compel the Tahsildar to act contrary to such circulars. However, where the circular is ex facie arbitrary, perverse, or contrary to statutory provisions, it is open to the Court to ignore the same and grant appropriate relief.

15. In the present case, this Court is of the view that the petitioner, who claims to be the second wife, lacks locus standi to challenge the legal heir certificate issued in favour of the third respondent, whose status as the first wife and legal heir of the deceased is not in dispute.



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16. This Court finds no illegality or infirmity in the legal heir certificate dated 22.09.2021 issued by the second respondent.

17. Accordingly, the writ petition is dismissed. It is open to the petitioner to approach the jurisdictional civil court for appropriate relief, if so advised. No costs. Consequently, the connected miscellaneous petition is closed.

25.03.2026

NCC : Yes/No

Index : Yes/No

Internet:Yes

skn

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HEMANT CHANDANGOUDAR, J.

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