



W.P(MD)No.7133 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

Writ Petition(MD)No.7133 of 2026

Samsath

.. Petitioner

Vs

1.The Revenue Divisional Officer,
Tirunelveli District.

2.The Tahsildar,
Tirunelveli District.

..Respondents

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 impugned order passed by the 1st Respondent in Na.Ka.No.A7/3081/2025 dated 13.02.2026 and quash the same consequently direct the 2nd respondent to grant the legal heir certificate for the deceased petitioner's mother, Rahiman Beevi based on her online application in no. TN-720250320535 dated 20.03.2025 within a time frame fixed by this Court.

For Petitioner : Mr.R.S.Sivaram

For Respondents : Mr.D.Sadiq Raja
Addl. Govt. Pleader



W.P(MD)No.7133 of 2026

ORDER

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The petitioner challenges the order dated 13.02.2026 passed by the first respondent, whereby the petitioner's request for issuance of a legal heirship certificate in her favour and in favour of the other legal heirs of the deceased Rahiman Beevi was rejected.

2.The petitioner states that her mother, Rahiman Beevi, was married to one Mohammed Kani on 31.05.1969, and the said marriage was registered before the competent authority, viz., Pettai Mohammed Nainar Pallivasal, Tirunelveli, as the parties belong to the Muslim faith. The petitioner's mother died on 25.01.2020. Thereafter, the petitioner, along with the other legal heirs, submitted an application before the second respondent seeking issuance of a legal heirship certificate.

3.The second respondent rejected the application on the ground that the petitioner's mother had allegedly contracted an earlier marriage and that the husband of the petitioner's mother had also married another woman earlier, and therefore, the legal heirship certificate could not be issued. Challenging the same, the petitioner preferred an appeal before the first respondent, who, in turn, passed the impugned order.



W.P(MD)No.7133 of 2026

WEB COPY

4.The learned counsel for the petitioner submitted that the petitioner had produced cogent evidence to establish that she and her siblings are the only legal heirs of the deceased Rahiman Beevi, and that, in the absence of any material to the contrary, the impugned order is unsustainable in law.

5.The learned Additional Government Pleader appearing for the respondents, on instructions, submitted that, upon enquiry, it was found that the petitioner's mother had earlier contracted marriage with another person and that the petitioner's father had also married another woman. It was therefore contended that, in the absence of sufficient proof establishing that the petitioner and her siblings are the only legal heirs, the impugned order does not warrant interference.

6.The submissions made on either side have been duly considered.

7.A perusal of the impugned order reveals that there is no material evidence to establish that the petitioner's mother or father had contracted any prior marriage. The conclusion recorded in the



W.P(MD)No.7133 of 2026

impugned order is based solely on the report of the Tahsildar, which merely states that the petitioner's mother was a native of Madurai District and had an earlier marriage there, followed by separation. However, no independent or corroborative evidence has been produced to substantiate the alleged earlier marriage.

8.On the other hand, the petitioner has produced relevant materials to establish that she and her siblings are the legal heirs of the deceased. Ignoring such material evidence, the first respondent has passed the impugned order on the basis of unsubstantiated assertions.

9.In such circumstances, the impugned order passed by the first respondent is not legally sustainable and is liable to be set aside.

10.Accordingly, the writ petition is allowed, and the impugned order passed by the first respondent in Na.Ka. No. A7/3081/2025 dated 13.02.2026 is set aside. The second respondent is directed to issue a legal heirship certificate in favour of the petitioner and her siblings in respect of the deceased Rahiman Beevi within a period of four (4) weeks from the date of receipt of a copy of this order.



W.P(MD)No.7133 of 2026

WEB COPY

11.It is made clear that, in the event of any rival claim by any other person, it is open to such person to approach the competent authority, namely the Tahsildar, by filing an appropriate application for inclusion of his or her name in the legal heirship certificate of the deceased Rahiman Beevi.

12. There shall be no order as to costs.

06.04.2026

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

To

1.The Revenue Divisional Officer,
Tirunelveli District.

2.The Tahsildar,
Tirunelveli District.



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W.P(MD)No.7133 of 2026

HEMANT CHANDANGOUDAR, J.

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Writ Petition(MD)No.7133 of 2026

06.04.2026