



W.P.(MD)No.7231 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)No.7231 of 2026

and

W.M.P.(MD)No.5929 of 2026

C.Selvam

... Petitioner

-VS-

1.The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Palayamkottai, Tirunelveli District.

2.The Tahsildar,
Palayamkottai Taluk,
Tirunelveli District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned rejection orders for applications dated 29.08.2025 and 09.12.2025 to issuance of Legal Heir Certificate passed by the second respondent and quash the same as illegal and consequently directing the second respondent to issue Legal Heir Certificate to the petitioner who is the wife of deceased Raja Singh (Late), based on the G.O.(Ms)No.478 dated 29.09.2022 and G.O.(Ms)No.110, Revenue and Disaster Management Department, dated 13.03.2024 issued by the Principal



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Secretary to the Government Revenue Department within the time stipulated by this Court.

For Petitioner : Mr.I.Pinaygash

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

The Writ Petition has been filed challenging the impugned orders dated 29.08.2025 and 09.12.2025.

2. Upon hearing the learned counsel for the petitioner and upon perusal of the materials available on record, it is seen that, by the impugned orders, the application submitted by the petitioner for inclusion of her name in the Legal Heirship Certificate in respect of the deceased Raja Singh has been rejected by the authorities.

3. The case of the petitioner is that she is the legally wedded wife of the said Raja Singh, who died on 03.07.2022. According to her, she, along with her two daughters, namely, Malin Pramila and Celin Diana, constitute the legal heirs of the deceased. It is her grievance that the request for issuance of the Legal



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Heirship Certificate has been rejected solely on the ground that she was residing separately from the deceased.

4. Per contra, the learned Additional Government Pleader appearing for the respondents submitted that the petitioner was not only living separately but was also allegedly living with another person, and therefore, one of the daughters of the deceased objected to the inclusion of the petitioner's name in the Legal Heirship Certificate, leading to its rejection.

5. I have considered the rival submissions and perused the materials on record.

6. The issue relating to issuance of Legal Heirship Certificates has been comprehensively dealt with by the Full Bench of this Court in W.P.No.25247 of 2021 etc. batch [**P.Venkatachalam vs. The Tahsildar, Kumarapalayam Taluk, Namakkal District**], and the same has also been codified by the Government in G.O.(Ms)No.478, Revenue & Disaster Management Department, dated 29.09.2022.



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7. It is well settled that a Legal Heirship Certificate is essentially a certificate of relationship. In that view of the matter, if the petitioner is the legally wedded wife of the deceased Raja Singh, the mere fact that she was residing separately, or even the allegation that she was living with another person, would not, by itself, sever the marital relationship, unless there is a decree of divorce passed by a competent Court.

8. In such circumstances, the reasoning assigned by the second respondent in rejecting the petitioner's application cannot be sustained. However, it is also brought to the notice of this Court that one of the daughters of the deceased has raised objections to the inclusion of the petitioner's name. Since such objections involve factual considerations, this Court is not inclined to issue a positive direction for inclusion at this stage. It is also made clear that the above observation regarding absence of divorce is based on the submission made by the petitioner.

9. Accordingly, the Writ Petition is disposed of on the following terms:



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(i) The impugned orders dated 29.08.2025 and 09.12.2025 are set aside, and the matter is remanded to the file of the second respondent.

(ii) The second respondent shall issue notice to the petitioner as well as to the two daughters of the deceased, consider their respective claims and objections, and pass fresh orders on the petitioner's application for issuance of Legal Heirship Certificate, in the light of the observations made above and in accordance with law.

(iii) The above exercise shall be completed as expeditiously as possible, and in any event, within a period of twelve (12) weeks from the date of receipt of a web copy of this order, without insisting upon a certified copy.

No costs. Consequently, connected Miscellaneous Petition is closed.

17.03.2026

Neutral Citation : No
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