



WEB COPY

WP No. 45511 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-11-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 45511 of 2025

V.Asaithambi

Petitioner(s)

Vs

1. The Thasildar,
Katpadi Taluk, Vellore District.

Respondent(s)

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of writ of certiorarified mandamus, calling for the entire records connected with the impugned Memo in O.Mu.B4/1609/2025 dated 29.08.2025 issued by the Respondent, and quash the same and consequently direct the respondent to issue the Legal Heirship certificate to the petitioner within a time frame.

For Petitioner(s): Mr.S.Sathia Chandran

For Respondent: Mr.A.M.Ayyadurai
Government Advocate



ORDER

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This Writ Petition has been filed challenging the impugned order dated 29.08.2025 issued by the respondent, refusing legal heirship certificate to the petitioner and to direct the respondent to issue legal heirship certificate to the petitioner within a time frame.

2. By consent of the learned counsel appearing for the parties, this Writ Petition is taken up for disposal at the admission stage itself. Since no adverse order is going to be passed, notice to the private respondent is dispensed with.

3. The learned counsel appearing for the petitioner would submit that the petitioner's father Venkatesan died on 07.04.2000. The petitioner claimed that his father married his mother, Kalaiselvi as second wife and they blessed with the petitioner and his sister Sumathi and the petitioner came to know that the first wife's son obtained a legal heir certificate in his favour. Thereafter, the petitioner filed a partition suit in O.S.No.61 of 2024 on the file of the District Judge, Vellore and subsequently, filed an application for issuance of legal heir



certificate, however the same was rejected on the ground, civil suit filed by the petitioner is pending. However, he would further submit that mere pendency of the civil suit is not a bar for the Revenue Officials for considering the petitioner's claim for issuance of legal heir certificate and the same was rejected is an unacceptable one. Accordingly, he prayed for appropriate orders.

4. Per contra, the learned Government Advocate appearing for the Official respondents would submit that already the petitioner filed a civil suit for claiming partition and aware he born through second wife of the deceased. However, the same was denied by the private respondent in the written statement filed in the suit. He would further submit that unless the petitioner obtain an appropriate decree from the competent civil court, the Revenue Officials have no power to issue legal heirship certificate in favour of the petitioner and issuing such certificate will frustrate the issue pending before the civil court. Accordingly, he prayed for dismissal of this writ petition.

5. However, this Court not inclined to express any opinion on the merits



of the case, since the issue is pending before the competent civil court and when the partition suit is pending in between the petitioner and the private respondent, later filing an application for issuance of legal heirship certificate is not acceptable one and, the Revenue Officials have no power issue such certificate when the civil suit is pending for the very same issue.

6. Hence, without going into merits of the case, this Court dismissed this Writ Petition with liberty to the petitioner to canvass before the civil court where the civil suit is pending. The Civil Court is directed to decide the issue on merits without influencing any of observations made in this order. No costs.

26-11-2025

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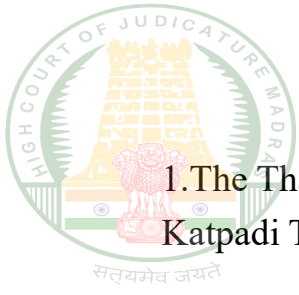
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To



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M.DHANDAPANI J.

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