



W.P.(MD)No.1870 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.03.2026

CORAM :

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.(MD)No.1870 of 2022

P.Andiappan

... Petitioner

vs.

The Tahsildar,
Vadipatti,
Madurai District.

... Respondent

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 the records pertaining to the impugned order passed by the respondent in O.Mu.No.A8/109/2022 and quash the same as illegal and consequently direct the respondent to issue legal heir certificate to the petitioner within the time frame fixed by this Honble court and thus render justice.

For Petitioner :Mr.G.Solairaja

For Respondent :Mr.S.Kameswaran
Government Advocate



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ORDER

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1. The petitioner has approached this Court challenging the order dated 10.01.2022 issued by the respondent, whereby the application submitted by the petitioner for issuance of a legal heirship certificate in respect of his brother, who died on 11.03.2021, came to be rejected.

2. The case of the petitioner is that he is the brother of the deceased Chinnu, who died issueless on 11.03.2021. According to the petitioner, in the absence of Class-I legal heirs, he is entitled to be treated as a Class-II legal heir of the deceased. Based on such claim, the petitioner submitted an application before the respondent seeking issuance of a legal heirship certificate.

3. It is the further contention of the petitioner that, despite submitting all relevant documents to establish his relationship with the deceased and his status as a Class-II legal heir, the respondent rejected the application solely on the ground that the petitioner is not a Class-I legal heir. It is also pointed out that the impugned order was passed without issuing any notice to the petitioner and without affording him an opportunity of being heard.



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4. The learned counsel for the petitioner submitted that the rejection of the application without considering the materials placed on record and without affording an opportunity of hearing is arbitrary and in violation of the principles of natural justice. The said contention of the petitioner has not been refuted by the respondents.

5. This Court has carefully considered the submissions made and perused the materials available on record. It is evident that the respondent has rejected the petitioner's application without conducting a proper enquiry and without providing an opportunity to the petitioner to substantiate his claim. Such a procedure adopted by the respondent is contrary to the settled principles of law.

6. In view of the above, this Court is of the opinion that the impugned order dated 10.01.2022 passed by the respondent is not legally sustainable and is liable to be set aside. The petitioner is entitled for issuance of a class II legal heir certificate if he establishes the same.



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7. Accordingly, this Writ Petition is allowed, and the impugned order dated 10.01.2022 is hereby quashed. The respondent is directed to reconsider the petitioner's application for issuance of a legal heirship certificate afresh, on its own merits and in accordance with law, after providing the petitioner with a reasonable opportunity of hearing and after considering all relevant documents submitted by him.

8. The above exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
gvn

10.03.2026

To:-

The Tahsildar,
Vadipatti,
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HEMANT CHANDANGOUDAR, J.

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