

D.Nirmala Vs The Commissioner,

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Court : Chennai

Decided On : Feb-03-2026

Judge : Honourable Ms. Justice P.T. Asha

Appeal No. : WP/3096/2026

Appellant : D.Nirmala

Respondent : The Commissioner,

Advocate for Def. : Mr. S.Gopinathan

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.02.2026

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA W.P.No. 3096 of 2026 D. Nirmala ...petitioner Vs. 1.The Commissioner, Greater Chennai Corporation, Rippon Maligai, Chennai - 600 003. 2.The District Collector, Fourth Floor, M. Singaravelar Maaligai, 62, Rajaji Salai, Chennai Collectorate, Chennai - 600 001. 3.The Revenue Divisional Officer, Anna Salai, Near the Tamil Nadu Dr. MGR Medical University, Guindy,

Chennai - 600 032. 4.The Tahsildar, Guindy Taluk Office, Guindy,
Chennai - 600 079 ...Respondents

Prayer: Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Mandamus, directing the respondents to register the death of the petitioners husband, late Mr.S.Ramesh Kumar, pursuant to the Civil Court decree dated 27.04.2010 in O.S.No.5509 of 2009 passed by the VI Assistant City Civil Court, Chennai and the legal heirship certificate in favor of the petitioner and two children.

For Petitioner : Mr. D.G.Hariprasath For Respondent 1: Mr. S.Gopinathan Standing Counsel For Respondents : Mr. R.Neelakandan
2 to 4 Additional Advocate General Assisted By Mr. Yogesh Kannadasan
Special Government Pleader

ORDER

This writ petition is filed for the following relief: To direct the respondents to register the death of the petitioners husband, late Mr. S.Ramesh Kumar, pursuant to the Civil Court decree dated 27.04.2010 in O.S.No.5509 of 2009 passed by the VI Assistant City Civil Court, Chennai and the legal heirship certificate in favor of the petitioner and two children.

2. The petitioner is a legally wedded wife of one S.Ramesh

Kumar, who joined Southern Railway service in the year 1987 and went missing in the month of June 2001, after suffering from mental illness. A missing complaint was lodged and despite continuous efforts, the said Ramesh Kumar could not be traced. Thereafter, a civil suit was filed by the petitioner and by judgment and decree dated 27.04.2010, the learned VI Assistant City Civil Judge, Chennai in O.S.No.5509 of 2009, declared him a civil dead.

3. The petitioner would submit that a property at Velachery was

purchased in the year 1974 by the petitioners mother-in-law, who died intestate on 03.01.2010. The petitioner would submit that suppressing the existence of the petitioners husband and his legal heirs, her brothers-in-law fraudulently obtained a legal heirship certificate on 30.04.2010 and entered into a Joint Venture Agreement in the year 2015, leading to demolition and re-development of the property.

4. The petitioner would submit that she became aware of the said

fraud only in the year 2015. Despite repeated representations seeking cancellation of the fraudulent legal heirship certificate and registration of civil death pursuant to the court decree, the authorities rejected the request on technical grounds of limitation and failed to act on the pending revision. Therefore, the petitioner is before this Court.

5. Heard the learned counsels on the either side and perused the records.

6. A perusal of the Judgement dated 27.04.2010, would show that

the learned VI Assistant Civil Judge, Chennai, has decreed the suit only with reference to declaration of death and has dismissed the suit with reference to prayer seeking direction to the Corporation to register death.

7. The learned Judge has stated that the second prayer cannot be

granted as the declaration of death has been made only on the basis of presumption. This order was not challenged further by the petitioner. However, in GO.Ms.No.478, Revenue and Disaster Management, Revenue Administration Wing, RA - 3 (2) Section, dated 29.09.2022, the Government had set out certain guidelines for the issuance of legal heirship certificate, which reads as follows: 2.The Legal Heir Certificate shall be issued as a common document applicable to everyone without

any difference based on religion or gender. (i) legal heirship certificate of the deceased (in case of married person) will include only the following

members (along with their living status): 1. Father of deceased. 2. Mother of deceased. 3. Spouse of deceased. 4. Son(s) of deceased. 5. Daughter(s) of deceased.

8. In view of the above, the petitioner shall be issued with legal

heirship certificate on the strength of the decree obtained by her. Accordingly, the petitioner is directed to make an online application and on such application being made, legal heirship certificate shall be issued to her, within a period of 3 weeks therefrom. With reference to the prayer, namely, to register the death of the petitioners husband, the same cannot be granted.

9. Accordingly, this writ petition is partly allowed. No costs. 03.02.2026 kan To
1. The Commissioner, Greater Chennai Corporation, Rippon Maligai, Chennai - 600 003. 2. The District Collector, Fourth Floor, M. Singaravelar Maaligai, 62, Rajaji Salai, Chennai Collectorate, Chennai - 600 001. 3. The Revenue Divisional Officer, Anna Salai, Near the Tamil Nadu Dr. MGR Medical University, Guindy, Chennai - 600 032. 4. The Tahsildar, Guindy Taluk Office, Guindy, Chennai - 600 079 P.T. ASHA, J kan 03.02.2026

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