



Revenue and Disaster
Management Department,
Revenue Administration Wing,
RA-3(1) Section, Secretariat,
Chennai-600 009.

Letter No.9633/RA-3(2)/2022-4, Dated 28.09.2022

From

Thiru. Kumar Jayant, I.A.S.,
Principal Secretary to Government.

To

The Additional Secretary/
Commissioner of Revenue Administration,
Cheapuk, Chennai-5.

Sir,

Sub: Writs – W.P.Nos.25247 of 2021 and batch cases filed by P.Venkatachalam & others – Before the Hon'ble High Court of Madras – Issuance of Legal Heir Certificate – Framing of New Guidelines – Instruct to the competent authority (TNeGA) to make necessary software correction – Regarding.

- Ref:**
1. Hon'ble High Court order dated 17.06.2022 & 12.08.2022 in W.P.No.25247 of 2021 and batch cases.
 2. Government Letter No.9633/RA-3(2)/2022-4, 5, Revenue & D.M. Department, dated 30.06.2022.
 3. From the Additional Chief Secretary/ Commissioner of Revenue Administration letter No.RA.5(3)/17167/2020, dated 19.7.2022

I am directed to invite your attention to the references cited, in respect of W.P.No.25247 of 2021 and batch cases filed by P.Venkatachalam and others before the Hon'ble High Court of Madras regarding issuance of legal heir certificate by the Tahsildars.

2. The Government after detailed examination, has proposed to issue detailed Guidelines and procedure for issue of Legal Heir Certificate as detailed below:-

Guidelines and of Procedure for issuance of Legal heir Certificate:-

(1.) The petitioner can apply electronically online to the Tahsildar in whose jurisdiction, the deceased person "ordinarily resided" before his / her death. (If the person has resided for less than 6 months, then the Tahsildar

shall obtain a report from the Tahsildar in whose jurisdiction the deceased resided for more than a year).

(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 (alongwith 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

(ii). Legal Heir Certificate of the deceased (in case of unmarried persons) will include only the following persons (alongwith their living status):-

1. Father of deceased
2. Mother of deceased
3. Brother(s) of deceased
4. Sister(s) of deceased

(3.) Any one of the legal heirs mentioned in Class 2 above may apply for this certificate on behalf of others. The applicant should submit the following details while submitting the application:-

- (1) Death certificate of the deceased or Late Registration of death Certificate from RDO.
- (2) In the case of person treated as dead, (person who is missing for a period of 7 years or staying away from the family), the order of the competent court declaring the person as dead.
- (3) Any one of the following documents should be submitted as a Proof of residence of the deceased person
 - i. Aadhaar Card;
 - ii. Voter ID Card;
 - iii. Passport;
 - iv. Bank Pass Book/Postal Savings Book;
 - v. Driving License ;
 - vi. Pension payment Order;
 - vii. Any other similar document.

(4.) For proving relationship of the legal heirs with the deceased, the following documents can be submitted.

1. Marriage Registration Certificate; or
2. Passport; or
3. Voter ID; or
4. Aadhaar cards; or
5. Community certificate; or
6. Driving license; or
7. Birth Certificate of all children; or T.C. of all children.
8. Any other similar document.

(5.) In case, No Adult legal heir is surviving, a minor legal heir can apply for Legal Heir Certificate through his/her guardian or through the brother(s) or sister(s) of the deceased person.

(6.) Adopted Children

In case of issue of legal heir certificate to an adopted child, the Tahsildars should issue legal heir certificate after confirming that the Individual has been adopted legally.

(7.) The following provisions for Appeal / Revision is provided for the aggrieved persons:-

7 (1). Appeal :-

Against the order of the Tahsildhar, an appeal petition can be filed to the respective Revenue Divisional Officer within a period of one year from the date of issuance/rejection of the application, as the case may be.

7(2). Revision :-

The power of revision over the orders passed by the Revenue Divisional Officer lies with the District Revenue Officer and Revision petition shall be filed within a period of 1(one) year from the date of passing of the order in appeal.

(8.) Legal heir applications will be processed by the following system:-

1. Applicant will apply on the Online system
2. The application will be routed to Village Administrative Officer / Revenue Inspector.
3. The Village Administrative Officer / Revenue Inspector must verify the applied documents and recommend with reasons for acceptance / with modifications, if any, and forward to the Revenue Inspector/Tahsildar in one week. Revenue Inspector has to enquire within one week and certificate will be issued by Tahsildar within one week after the receipt of report from the Revenue Inspector.
4. The applicant can download the legal certificate from the web on receipt of a SMS.

(9.) General instructions:-

The Tahsildar/ Independent Deputy Tahsildar should not impose any restrictive conditions while issuing the Legal Heir Certificate such as,

- (a) this certificate is valid for only six months.
- (b) should not fix any other specific time limit.
- (c) as not valid in the Civil Court etc.

(10.) Where it comes to the notice of the Issuing Authority that the legal heir certificate has been obtained by furnishing false information/suppression of material facts, the same shall be liable to be cancelled by the issuing Authority.

3. In this connection, I am to request you to issue necessary instructions to the competent authority (TNeGA) to make necessary corrections in the online portal software, so as to enable the Public to avail the online services delivered as per the new Guidelines/ Procedure proposed to be issued by the Government shortly, While at the time of applying and also while getting the online certificates in respect of issue of Legal Heir Certificates. All the officials from VAO to District Collectors should be informed about the proposed changes. Once the new G.O. is issued, pending application will be processed in the new format as per the new guidelines.

4. I am also to request you to complete the software corrections in Co-ordination with TNeGA on or before 04.10.2022.

Yours faithfully,

[Handwritten Signature]
28/9/2022

for Principal Secretary to Government

[Handwritten Initials]
28/9/22

Copy to

The Commissioner,
T.N.e-Governance Agency,
Anna Salai,
Chennai - 600 002.