

GOVERNMENT OF PUDUCHERRY
ABSTRACT

Revenue — Guidelines/Procedure for issue of legal heir certificate by the Taluk Tahsildar-cum-Executive Magistrate and Sub-Taluk Deputy Tahsildar-cum-Executive Magistrate in the Union Territory of Puducherry — Orders — Issued.

DEPARTMENT OF REVENUE AND DISASTER MANAGEMENT

G.O.Ms. No. 17 /DRDM/C2/2021

Puducherry, the 18th Nov, 2021.

Read: Letter in R.O.C.No.51175-A/2020/Pondy, dated 11.09.2020 of the Hon'ble
High Court of Judicature at Madras, Madras.

ORDER:

Vide reference read above Hon'ble High Court has suggested to evolve a system of issuing legal certificates as prevalent in Tamil Nadu.

2. Accordingly, Lieutenant-Governor, Puducherry is pleased to empower the Taluk Tahsildar-cum-Executive Magistrate of Taluk offices in Puducherry / Karaikal regions and Deputy Tahsildar-cum-Executive Magistrate of Sub-Taluk offices in Mahe / Yanam regions for issue of legal heir certificate in the format prescribed at Annexure-I herein and also approve the procedure and guidelines for issuing the certificate as detailed below:-

- (a) The Tahsildar in Puducherry / Karaikal regions and Deputy Tahsildar in Mahe and Yanam regions shall issue a legal heir certificate only to the Class I legal heirs as defined under Section 8 of the Hindu Succession Act, 1956 (*i.e. Son; daughter; widow; mother; son of a pre-deceased son; daughter of a pre-deceased son; son of a pre-deceased daughter; daughter of a pre-deceased daughter; widow of a pre-deceased son; son of a pre-deceased son of a pre-deceased son; daughter of a pre-deceased son of a pre-deceased son; widow of a pre-deceased son of a pre-deceased son, son of a predeceased daughter of a pre-deceased daughter; daughter of a pre-deceased daughter of a pre-deceased daughter; daughter of a pre-deceased son of a pre-deceased daughter; daughter of a pre-deceased daughter of a pre-deceased son*). The legal heir certificate issued by the Tahsildar / Deputy Tahsildar, as the case may be, shall not be equivalent as the succession certificate issued by the District Judge under the Indian Succession Act, 1925.
- (b) To obtain legal heir certificate, any person who is a direct legal heir has to submit the application, in the format prescribed at Annexure-II herein, to the Tahsildar / Deputy Tahsildar, as the case may be, in whose jurisdiction the deceased person ordinarily resided atleast for a year before his/her death.
- (c) Upon the receipt of such application, the Village Administrative Officer (VAO) shall conduct an enquiry and record the statement where the person is residing and the concerned family members of deceased person and their relatives and the general public/neighbours in the locality
- (d) After enquiry, the VAO has to prepare a statement and display the same (Annexure-III-A) in the VAO Office, Taluk Office and in the locality for a period of seven days to call for any objection for issue of a legal heir certificate. After the expiry of seven days, the VAO shall submit the report to the Revenue Inspector.
- (e) After examining the VAO report, the Revenue Inspector shall submit the report to the Tahsildar through the Deputy Tahsildar in Puducherry / Karaikal regions and to the Deputy Tahsildar in Mahe / Karaikal regions.
- (f) The Tahsildar / Deputy Tahsildar, as the case may be, will examine the report (Annexure-III-A and III-B) and may issue the legal heir certificate. In case of any doubt, he may call for any other relevant document or enquire any person in this regard to decide on the issue of legal heir certificate.

(g) If the deceased person had resided for less than a year prior to his/her death in the area under the jurisdiction, then the Tahsildar / Deputy Tahsildar, as the case may be, shall obtain a report from the Tahsildar / Deputy Tahsildar in whose jurisdiction the deceased resided for more than a year or from where the relevant particulars can be ascertained as deemed fit.

(h) The following documents shall compulsorily be submitted by the applicant while submitting the application :

- (a) Death certificate of the deceased in original
- (b) Any one of the following documents shall be submitted as Proof of ID/residence of the deceased person.
 - i. Aadhaar Card,
 - ii. Voter ID Card,
 - iii. Passport,
 - iv. Bank Pass Book / Postal Savings Book,
 - v. Driving License, and
 - vi. Pension payment Order.

(I) If anyone spouse survives - then they shall be the applicant and submit the following documents:

- (a) Marriage Registration Certificate or Passport or Voter ID or Aadhaar cards or NPR document should be submitted to establish the relationship.
- (b) Birth Certificate of all children or T.C. of all children.
- (c) Self declaration of the spouse indicating all other legal heirs (including Mother-in-law if wife is the applicant).

(II) If parents are deceased, then anyone child shall be the applicant and submit the following documents.

(i) If applicant is a Major,

- (a) Death certificate of the parents in original,
- (b) Birth certificate or Community Certificate or Passport or Aadhaar (all eligible heirs) or T.C. or NPR or Employee Service Record

(ii) If applicant is a Minor, Guardian can apply and submit the following documents.

- (a) Death certificate of the parents in original,
- (b) Birth certificate or T.C. or NPR or Employee Service Record or Community certificate or Passport or Voter ID or Aadhaar of all eligible heirs.
- (c) Guardianship order issued by the Hon'ble Civil Court to prove the relationship to the heirs.

(III) In case of death of unmarried Children - Parents or Siblings shall be the applicant and submit the following documents.

- (a) Death certificate of deceased in original,
- (b) Any proof to establish relationship of deceased (i.e) Birth certificate /T.C. of deceased or any other relevant document,
- (c) Self-declaration of the parents/ siblings.

(IV) Other direct legal heirs (daughter-in-law, grandson and granddaughter etc.,)

- (a) Any one of the following documents shall be submitted as Proof of ID/residence of the applicants
 - i. Aadhar Card,
 - ii. Voter ID,
 - iii. Passport,
 - iv. Bank passbook details,
 - v. Driving licence,
- (b) Widow and not remarried certificate in case of "Daughter-in-law",
- (c) Death certificate of the deceased in original.

(V) Adopted children

In case of issue of legal heir certificate to an adopted child, the Tahsildars/Deputy Tahsildars, as the case may be, shall issue legal certificate after confirming that the individual has been adopted legally and that he has produced a valid Adoption Deed fully registered as per the Hindu Adoptions and Maintenance Act, 1956.

- (VI) If the applicant belongs to Islam religion, the details of the legal heirs of the deceased person may be given as per the rules contained in the Muslim Law.
- (i) Tahsildars of Taluk Office in Puducherry / Karaikal regions and Deputy Tahsildars of Sub-Taluk office shall in Mahe / Yanam regions shall not issue legal heir certificates for the following cases and to inform the applicants to approach the Competent Civil Court for obtaining the legal heir certificates.
- Class II legal heirs or indirect legal heirs mentioned in the schedule under section 8 of the Hindu Succession Act, 1956.
 - Siblings of the deceased cannot claim legal heir certificate from the Tahsildars/Deputy Tahsildars, as they come under Class II legal heirs or indirect legal heir. However, they can submit application for issuance of legal heir certificate in favour of their father/mother and in view of age / literacy constraints, if any.
 - On enquiry, when the deceased person is having one or more spouse and they are having children, and also if there is any settlement disputes.
 - In case, of the person treated as dead, who is missing for a period of 7 years or more and staying away from the family.
 - In the case of adopted child without valid Adoption Deed registered as per the Hindu Adoption and Maintenance Act, 1956
 - No certificate shall be issued under Indian Succession Act, 1925 and to the heirs of the French or other nationals.
- (j) If any person disputes the issued legal heir certificate, an appeal petition shall be filed before the Sub-Divisional Magistrate concerned within a period of one year from the date of issue of the certificate for making alterations, corrections, deletions or inclusions. The Sub-Divisional Magistrate shall pass appropriate orders and any legal heir certificate obtained by suppression of facts shall be cancelled after due enquiry.
- (k) Any person aggrieved against the order of the Sub-Divisional Magistrate may be directed to approach the Competent Civil Court.

// BY ORDER OF THE LIEUTENANT-GOVERNOR//


18.11.21

**(ASHOK KUMAR, I.A.S.)
SECRETARY TO GOVT. (REVENUE)**

To

The Director of Stationery & Printing,
Puducherry

- With request to publish in the Extra-Ordinary
Gazette of Puducherry and send 200 copies to
this department

Copy to

- The Registrar General, Hon'ble High Court of Madras, Chennai.
- The Chief Judge, Puducherry
- The Secretary to Govt. (Law), Puducherry
- The District Collector, Puducherry / Karaikal
- The Sub/Deputy Collector (Revenue)-Puducherry / Karaikal / Mahe / Yanam
- Spare

GOVERNMENT OF PUDUCHERRY
DEPARTMENT OF REVENUE & DISASTER MANAGEMENT

TALUK / SUB TALUK OFFICE, _____

No.

Date :

LEGAL HEIRSHIP CERTIFICATE

This is to certify that Late Sri/Smt/Kumari _____ Son / Daughter /
Wife of Sri/Smt. _____ resided at _____ (Full address) _____
_____ (District) _____ (State) expired on
_____ leaving behind him/her the following persons as his/her legal heirs :

Sl. No.	Name	Age (in years)	Relationship with the deceased	Marital status	Aadhaar No./ Aadhaar enrolment no.

Certified by

Signature :

Name :

Designation :

Taluk/Sub-Taluk :

வாரிசுரிமைச் சான்றிதழுக்கான விண்ணப்பம் படிவம்

APPLICATION FORM FOR LEGALHEIRSHIP CERTIFICATE

1. விண்ணப்பதாரரின் பெயர்
Name of the Applicant :
2. தகப்பனார் / கணவர் பெயர்
Father/ Husband's Name :
3. பாலினம் (ஆண் / பெண்)
Sex(M/F) :
4. இருப்பிட முகவரி
Residential Address :
5. இறந்தவரின் பெயர்
Name of the deceased :
6. இறப்புச் சான்றிதழ் எண்
(மூலச் சான்றிதழ் இணைக்கப்பட வேண்டும்)
Death Certificate No. :
(Original Certificate to be enclosed)
7. இறந்தவரின் வாரிசுகள் விவரம்
Legal Heirs of the deceased:

வரிசை எண். Sl. No.	பெயர் Name	வயது Age	உறவு முறை Relationship	திருமணமாவர் / திருமணமாகாதவர் Marital Status
(1)	(2)	(3)	(4)	(5)

- மனுதாரர் இஸ்லாமிய மதத்தைச் சேர்ந்தவரெனில் இஸ்லாமிய சட்ட விதிகளின்படி வாரிசுதாரர்கள் விவரம்
- If the applicant belongs to Islam Religion, the details of the legal heirs of the deceased as per Islamic rules may be given.

8. என்ன காரணத்திற்காக சான்றிதழ் தேவைப்படுகிறது?
(தேவையான ஆவணத்தின் நகல் சமர்ப்பிக்க வேண்டும்)
Purpose for which the certificate is required.
(Necessary documents to be enclosed)

(அ) இறந்தவர் ஒரு மணதாரரா? இரு மணதாரரா?
(முதல் மனைவியின் குழந்தைகள் /
இரண்டாவது மனைவியின் குழந்தைகள்
விவரம் இணைக்கப்பட வேண்டும்)
Deceased had one wife/two wives
(Details of children of first wife /
Second wife to be enclosed)

(ஆ) விவரங்கள்
Details :

9. குடும்ப அட்டை எண்
Family Ration Card No :
10. மனுதாரர் இறந்தவருக்கு எந்த வகையில் உறவு?
Relationship of the applicant with the deceased.
11. விண்ணப்ப நாள்
Date of application :

Note: The applicant shall be liable for prosecution for any misrepresentation or suppression of facts / information.

விண்ணப்பதாரரின் கையொப்பம்
Signature of the Applicant

ISSUE OF LEGAL HEIR CERTIFICATE

ENQUIRY REPORT

(to be signed by VAO concerned and affixed on the notice board of VAO office)

1	Name of the deceased with address	:	
2	Name of the applicant, address and relationship with the deceased	:	
3	Date of application	:	
4	List of documents enclosed	:	
5	Date of enquiry	:	
6	Details of persons enquired along with their contact details	:	
7	Details of legal heirs ascertained in the enquiry	:	

Signature of the VAO with date

(to be submitted along with Annexure-III-A)

1	Date of affixure of Annexure-III-A on the VAO office notice board	:	
2.	Objections received if any	:	
3	Remarks/Recommendation of VAO with signature	:	
4	Remarks/Recommendation of Revenue Inspector with signature	:	
5	Remarks/Recommendation of Tahsildar/Deputy Tahsildar with signature	:	