

W.P.No.14116 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 17.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.14116 of 2025
and
W.M.P.No.15864 of 2025

MANEL AMRITHKALA

... Petitioner

1. GOVERNMENT OF TAMIL NADU,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF REVNEUE,
FORT ST. GEORGE,
CHENNAI – 600 009.
2. TAMIL NADU E-GOVERNANCE AGENCY,
REPRESENTED BY ITS DIRECTOR,
807, 7TH FLOOR,
PT LEE CHENGALVARAYAN NAICKER BUILDING,
ANNA SALAI (MOUNT ROAD),
CHENNAI – 600 002.
3. THE TAHSILDAR,
EGMORE TALUK,
SPUR TANK ROAD,
EGMORE, CHENNAI – 600 031.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the third respondent to process the application for the petitioner dated 12.04.2025 for legal heirship certificate in respect of the legal heirs of petitioners' husband Late Dr.S.Subramaniam presented physically.



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W.P.No.14116 of 2025

For Petitioner : Mr.V.Prakash, Senior Counsel
for Mr.S.Gokul

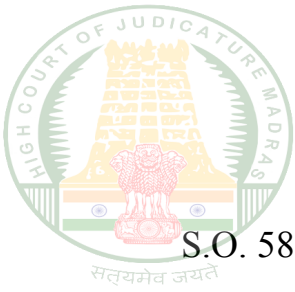
For R1 to R3 : Mr.R.Neelakandan,
Additional Advocate General VIII
assisted by Dr.S.Suriya
Additional Government Pleader

ORDER

The prayer in the writ petition is to direct the third respondent to process the petitioner's application dated 12.04.2025 for issuance of a legal heirship certificate in respect of the legal heir of the petitioner's late husband, Dr.S.Subramaniam.

2. Heard the learned Senior Counsel appearing on behalf of the petitioner.

3. According to the learned senior counsel appearing on behalf of the petitioner, Dr.S.Subramaniam, the petitioner's husband, passed away on 05.03.2025 at Apollo Hospital, Greaves Road, Chennai -600 006. The petitioner and her two sons are the sole surviving legal heirs. All of them are residing abroad and do not possess Aadhaar cards or other identity documents enumerated in G.O.(Ms).No. 478 dated 29.09.2022. Therefore, the online portal is not accepting their application. The Government of India has issued



W.P.No.14116 of 2025

S.O. 585(E), wherein it has been stated that the State Government shall ensure

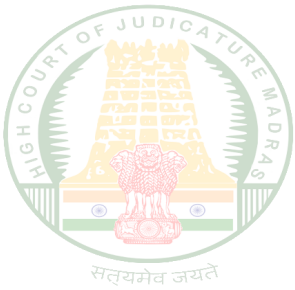
that Overseas Citizen of India (OCI) registration booklets are treated as valid identification for availing services. In view thereof, the Overseas Citizen of India (OCI) card has to be accepted. Accordingly, the petitioner has approached this Court with the present prayer.

4. Per Contra the learned Additional Advocate General appearing for the respondents 1 to 3 would submit that since the petitioner did not upload the application online, the same was not considered.

5. I have considered the rival submissions made on either side and perused the material records of the case.

6. Even as per clause 3, sub-clause 3 (vii) of the G.O.(Ms). No. 478 dated 29.09.2022, any other similar document can also be accepted. The Government of India has issued S.O. 585(E) which clearly states as follows:

“State Governments should ensure that the OCI registration booklets of OCIs are treated as their identification for any services rendered to them. In case proof of residence is required, Overseas Citizens of India may give an affidavit attested by a notary public stating that a particular/specific address may be treated as their



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W.P.No.14116 of 2025

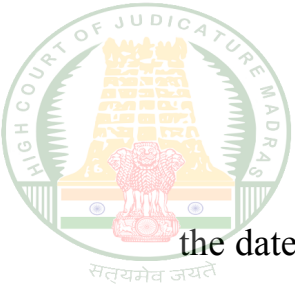
place of residence in India, and may also in their affidavit give their overseas residential address as well as e-mail address, if any.”

7. Therefore, the Overseas Citizen of India (OCI) Card and the OCI booklet can also be taken as an identity document and the application can be considered. Since the online portal does not accept the said document, the physical application made by the petitioner may be considered, treating this as an extraordinary case.

8. In view thereof, the writ petition is ordered on the following terms:

(i) The physical application submitted by the petitioner, dated 12.04.2025, shall be taken up for consideration by the third respondent. The petitioner shall appear before the third respondent on 23.04.2025 and produce a copy of the OCI card/booklet along with the original for verification. The same shall be treated as an identity document by the third respondent, and the application shall be processed in accordance with law, and appropriate orders shall be passed.

(ii) The final order shall be passed within a period of four weeks from



W.P.No.14116 of 2025

the date of receipt of the web copy of this order, without awaiting the certified

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(iii) Consequently, connected miscellaneous petition is closed. No costs.

17.04.2025

Neutral Citation: Yes
nsl

To

1. THE SECRETARY,
DEPARTMENT OF REVNEUE,
FORT ST. GEORGE,
CHENNAI – 600 009.
2. THE DIRECTOR,
TAMIL NADU E-GOVERNANCE AGENCY,
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W.P.No.14116 of 2025

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