

Circular No. 9 /2019
Rc. No. RA.5(3) /180 / 2017

Revenue Administration
Disaster Management and
Mitigation Department
Chepauk, Chennai – 600 005.

Dated 24.09.2019.

Present: Dr. K. Satyagopal, I.A.S.,
Additional Chief Secretary /
Commissioner of Revenue Administration

CIRCULAR

Sub: Legal heirship Certificate – Issuance of
Legal heirship Certificate through online –
Revised circular instructions issued –
Reg.

Ref: 1) G.O. (Ms.) No.2906/Rev.Dept. dated
04.11.1981.
2) G.O. Ms. No.581/ Rev. Dept. dated
03.04.1987.
3) The Govt. Lr. No.1534/Rev. Dept.
dated 28.11.1991.
4) Circular Instructions no.11/2017, RA 5
(3) / 180 / 2017, dated 09.08.2017

The Government have issued detailed instructions vide G.O. (Ms.) No.2906, Revenue Department dated 04.11.1981, G.O. (Ms.) No.581, Revenue Department dated 03.04.1987 and Government letter No.1534, Revenue Department dated 28.11.1991 framing guidelines to be followed for issue of Legal heir Certificate manually.

2) Vide reference 4th cited above, detailed instructions for issuance of legal heir certificate through online web based application were issued in order to enable quicker processing and for effective implementation. In continuation to the above instructions, the following revised guidelines and instructions are issued for issue of legal heir certificates through online.

3) Direct Legal heir or Class I legal heirs

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
1[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].;

4) Procedure to be followed

The Tahsildars should issue legal heir certificates only to the Direct or Class I legal heirs as mentioned in para 2 (3) above and as per Section 8 of Hindu Succession Act for all direct legal heirs applying for certificate through online.

The petitioner can apply electronically from any of the CSCs or 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).

5) The applicant should compulsorily submit the following details while submitting the application

- Death certificate of the deceased or Late Registration Certificate from RDO.
- Any one of the following documents should be submitted as 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

5 (1) If any one of the spouse survives – then they shall be the applicant and submit the following documents :

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

5 (2) If parents are deceased, then any one child shall be the applicant and submit the following documents.

1) If applicant is a Major

- Death certificate of the parents
- 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.

- Death certificate of the parents
- 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
- Guardianship order issued by the Hon'ble Civil Court to prove relationship to the heirs.

5 (3) In case of unmarried Children - Parents alone who are alive (both or any of them) can apply and submit the following documents.

- Death certificate of deceased
- Any proof to establish relationship of deceased (i.e) Birth certificate / T.C. of deceased etc.
- Self-declaration of the parents
- Siblings can submit application for issuance of Legal Heir Certificate in favour of father / mother and in view of age / literary constraints, if any

5 (4) Other direct legal heirs who can apply online – daughter-in-law, grandson and granddaughter and submit the following documents for residential proof

- Aadhaar card,
- Voter ID
- Passport
- Bank passbook details
- driving licence
- widow and not remarried certificate in case of 'Daughter-in-law'
- copy of death certificate of the deceased

5 (5) 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 and that he has produced a valid Adoption Deed duly registered as per the Hindu Adoptions and Maintenance Act 1956. In this regard suitable provisions have been made online for uploading the Adoption Deed.

6) Legal heir applications will be processed by the following system

On an application fee of Rs. 60/-, the applicant shall apply at the CSC or online, the certificate will be issued within 15 working days.

The work flow will be CSC → VAO → RI → HQDT → Tahsildar

The VAO must verify the documents and recommend with reasons for acceptance or rejection and forward to the Revenue Inspector in 5 Days

Revenue Inspector has to enquire in 4 days and the certificate will be issued by Tahsildar in 6 days on receipt of report from the RI after conducting necessary enquiry.

The applicant can download the legal certificate from CSC or from anywhere on receipt of an SMS.

The District website should have an exclusive window for viewing Taluk wise issued legal heirship certificates.

A copy of the issued legal heir certificate should be marked to Department of Registration to be linked to the Reginet Software.

7) Indirect Legal heir or Class II legal heirs as defined in Section 8 of Hindu Succession Act 1956.

Father; Son's daughter's son; son's daughter's daughter; brother; sister; Daughter's son's son; daughter's son's daughter; daughter's daughter's son; daughter's daughter's daughter; Brother's son; sister's son; brother's daughter; sister's daughter; Father's father; father's mother; Father's widow; brother's widow; Father's brother; father's sister; Mother's father; mother's mother; Mother's brother; mother's sister.

Explanation.—In this Schedule, references to a brother or sister do not include references to a brother or sister by uterine blood.

8) General Instructions

In letter no. D.Dis. RA V (3) / 74529 / 2001, dated 28.2.2003, the then Special Commissioner / Commissioner of Revenue Administration has recommended to Government stating that, 'of late, claims under the issue of legal heirship certificates are increasing and complexities are also very high. More often than not, people tend to suppress the truth, which cannot be detected even under discreet enquiry. Issue of legal heirship certificate to indirect cases may lead to legal problems. Therefore, legal heirship certificate may be issued by Tahsildar only in respect of Class I or Direct legal heir mentioned in the Schedule under Section 8 of Hindu Succession Act.

Tahsildars shall not issue legal heir certificates to the following cases.

- i. Class II legal heirs or indirect legal heirs mentioned in the Schedule under Section 8 of Hindu Succession Act 1956.
- ii. Siblings of the deceased cannot claim legal heir certificate from the Tahsildars, as they come under Class II legal heir 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 / literary constraints, if any
- iii. When the Deceased having more than one wife / husband.

- iv. When there is a dispute for settlement / partition of properties of the deceased
- v. In the case of person treated as dead, (person who is missing for a period of 7 years or staying away from the family).
- vi. No certificate shall be issued under Indian Succession Act, 1925

In the above said cases, "as and when the applicant seeks legal heir certificate from Tahsildars, they may be directed to approach the competent Civil Court".

9) Appeal Provision:-

If any disputes arise on the legal heir certificate issued, an appeal petition shall be filed to the respective Revenue Divisional Officer within a period of one year from the date of issuance of the certificate.

10) Power of Revision

The power of revision lies with the District Collector and Revision Petition shall be filed by the applicant within a period of 3 years from the date of issue of the appeal order.

11. All the District Collectors are instructed to follow the above circular instructions and also communicate to the subordinate officers and instruct them to follow the procedures and guidelines scrupulously without fail. The receipt of the circular may be acknowledged.

sd/- K. Satyagopal


Additional Chief Secretary /
Commissioner of Revenue Administration

To

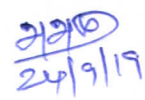
All District Collectors

Copy to:

1. The Additional Chief Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Chennai – 9.
2. The Commissioner of e-Governance,
Directorate of e-Governance,
P.T. Lee Chengalvarayan Naicker Building,
2nd Floor, 807 Anna Salai,
Chennai 600 002.
3. Deputy Commissioner (SSS)
4. Assistant Commissioner (I, II, III, IV, V & VI)
5. Personal Secretary to ACS/ CRA,
6. Personal Assistant to JC (RA)
7. Personal Assistant to Director (SSS)



Assistant Commissioner VI
Additional Chief Secretary /
Commissioner of Revenue Administration


24/9/19