



WP(C) NO. 659 OF 2026

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2026:KER:68475

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2026 / 18TH BHADRA, 1948

WP(C) NO. 659 OF 2026

PETITIONER :

BABY KURIAN
AGED 65 YEARS
S/O E K BABY @ KORA,
PUTHUPARAMBIL HOUSE,
S.N. PURAM PO, KOTTAYAM,
KERALA -, NOW RESIDING AT 14915
HENDERSON AVE, BAKERSFIELD,
CALIFORNIA, U.S.A -93314,
PIN - 686502

BY ADV SMT.SUMA G.

RESPONDENTS :

- 1 THE DISTRICT COLLECTOR
KOTTAYAM DISTRICT,
COLLECTORATE BUILDING,
KOTTAYAM - THE DISTRICT COLLECTOR,
PIN - 686002
- 2 THE REVENUE DIVISIONAL OFFICER
KOTTAYAM, REVENUE DIVISIONAL OFFICE,
2ND FLOOR, MINI CIVIL STATION,
UNION CLUB ROAD, PUTHENANGADY,
KOTTAYAM, PIN - 686001
- 3 THE TAHSILDAR
KOTTAYAM TALUK,
1ST FLOOR,
MINI CIVIL STATION,



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2026:KER:68475

UNION CLUB ROAD,
PUTHENANGADY,
KOTTAYAM,
PIN - 686001

BY SRI.ANIRUDH KADAVIL, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07.09.2026, THE COURT ON 09.09.2026 DELIVERED THE
FOLLOWING:

**'C.R.'****BECHU KURIAN THOMAS, J.****-----
W.P.(C) No.659 of 2026
-----**Dated this the 9th day of September, 2026**JUDGMENT**

Petitioner challenges the orders rejecting his application for issuance of a legal heirship certificate of his deceased wife.

2. Petitioner's wife, late Mrs. Lissyamma Abraham died on 29.10.2018, while they were residing in the United States of America (for short 'the USA'). Their marriage was solemnized on 14.09.1987 at the St.John's Orthodox Church, Kooroppada, Kottayam and they have three daughters, which is reflected from the family membership certificate dated 24.12.2022, issued by the Village Officer, Kooroppada. Petitioner and his family, including his deceased wife, are Overseas Citizens of India. After the death of his wife, petitioner applied to the third respondent for issuance of a legal heirship certificate. However, the application was rejected by Ext.P9 order, stating that there is a practical difficulty to enquire about the legal heirs of the deceased, as she was residing abroad for several years and even her burial was conducted abroad. Challenge against the aforesaid order did not succeed at the



appellate as well as revisional stages and hence the petitioner has approached this Court under Article 226 of the Constitution of India.

3. A statement has been filed on behalf of the first respondent wherein it is mentioned that legal heirship certificates are intended only for movable assets, the value of which is less than Rs.5,00,000/- as observed in the Kerala Village Manual as well as the decision in **Renuka K.K. v. State of Kerala and Others** [2018 (5) KHC 601]. It is also stated that there is no provision in the said Manual to deal with a legal heirship certificate for an immovable property and hence a direction ought not to be issued.

4. I have heard Smt. Suma G., the learned counsel for the petitioner as well as Sri. Anirudh Kadavil, the learned Government Pleader.

5. The petitioner's application - Ext.P8, for issuance of a legal heirship certificate of his wife, depicted the reason as 'for Governmental and Banking purposes'. The said application was declined, stating that the deceased was residing in the USA for long and therefore it cannot be considered as it is not possible to identify the legal heirs. The Revenue Divisional Officer rejected the appeal, after observing that since details of persons who have been residing abroad for years cannot be discerned, it is not possible to identify the legal heirs. Thus the petitioner's application



has been primarily rejected on the ground that the deceased had been residing abroad for a long time and hence there is a practical difficulty to identify the legal heirs of such a person who was residing abroad for long.

6. There is no codified law that deals with applications for issuance of a legal heirship certificate. However, paragraph 213 of the Village Office Manual in Kerala Land Revenue Manual, (2019) Volume VI, (for short, 'Village Manual') refers to persons who can be applicants before the Village Office for various types of certificates. The said clause states that persons who have roots in India and those who have renounced their Indian citizenship are also entitled to apply for various certificates. For the purpose of easier comprehension, paragraph 213 of the Village Manual is extracted as below :

“Applicant – (1). In normal circumstances, it is mandatory for a person to be an Indian citizen in order to apply for all kinds of certificates in the revenue department. However, this stipulation is not applicable for the people who have roots in India, have renounced Indian citizenship and accepted citizenship elsewhere. Such people can submit applications for various certificates before the Village Officer within the limits of the village where they stayed last or before the Tahsildar concerned. Moreover, foreigners who have obtained land in India, can submit applications for various certificates pertaining to the land before the Village Officer where the land is situated or before the Tahsildar concerned.”

7. From a reading of the above clause, it is evident that the



petitioner, who has his roots in India can also be an applicant for the various certificates that can be issued by a Village Officer/Tahsildar. Hence petitioner's status as an Overseas Citizen of India cannot be a fetter on his right to apply for any certificate that can be issued by the Village Officer/Tahsildar, within the the jurisdiction where such persons had last resided. Thus, the rejection of petitioner's application for issuance of a legal heirship certificate for the reason that he is residing in the USA is incorrect.

8. A legal heirship certificate is issued by the Tahsildar pursuant to an application made to the Village Officer. Such a legal heirship certificate is in effect, for all practical purposes, akin to a certificate of succession. Such a certificate is issued under the provisions of paragraph 236(1) of the Village Manual. The said provision reads as follows :-

"236. Certificate of succession

(1) It has been stipulated that the certificates of succession granted by the Tahsildar, subject to certain financial limits, shall be sufficient in lieu of the certificates of succession issued by the Civil Courts for the purpose of obtaining the amounts due to the deceased Government servant by their heirs under Article 95(b)(i) of the Kerala Financial Code, Volume-I, or for the purpose of obtaining the pension arrears of a deceased service pensioner by their heirs under Rule 170 of Part III of the Kerala Service Rules, or for the purpose of obtaining the deposit amount by the heirs in the event of the death of a depositor in the Treasury Savings Bank under Rule 42(b) of Appendix-3 of the Kerala



Treasury Code, Volume-II.

In addition to the above circumstances, the Tahsildar may grant a certificate of succession, subject to a limit of five lakh rupees, in cases where the heirs are entitled to compensation under a third-party insurance scheme, or in instances where the heirs are entitled to funds from liquidators, cooperative societies, banks, and other institutions.

In cases other than those mentioned above, or in cases involving a dispute, an application shall be submitted for a succession certificate from the Civil Courts, or for an administration certificate from the office of the Administrator General in Ernakulam, to determine the heirs”.

9. The above extracted provision indicates that a certificate of succession can be issued by the Tahsildar, akin to a legal heirship certificate, and prescribes a financial limit of Rupees Five Lakhs in certain specific instances. The provision also mentions that in cases of dispute, an application has to be submitted to the civil courts for a Succession Certificate or for an Administration Certificate from the Administrator General. In **Premalatha Subhash v. State of Kerala and Others** [2021 (5) KHC 736], a learned single Judge of this Court observed that, in the absence of any provision in the Kerala Village Manual, no direction can be issued to provide a legal heirship certificate for sale of an immovable property of the deceased person. Similarly, in **Anwar Hussain A v. Tehsildar, Kollam** [2026 (2) KHC 107], it was held, while considering the erstwhile Village Manual, that a legal heirship certificate



cannot be sought for production before a court and such a certificate can be issued only if the right to inheritance does not exceed the financial limit. In **Renuka K.K. v. State of Kerala and Others** [2018 (5) KHC 601], it was observed that there is a financial limit prescribed in the Village Manual, while Rule 27 of the Transfer of Registry Rules, 1966, permit an enquiry to be conducted at the time of applying for mutation which can be treated as akin to that conducted for issuance of a legal heirship certificate.

10. In this context, it is worthwhile to mention that a legal heirship certificate only identifies who the legal heirs of a deceased person are. The legal heirship certificate cannot confer title. Title to the properties of a deceased is determined by the principles of law of succession or by bequest in the form of Will. Legal heirship certificate is generally useful for administrative and recordal purposes. If in case the certificate incorporates persons who are not legal heirs, it is always open for challenge before the appropriate forum.

11. Despite the above, most authorities, governmental or private, insist upon production of a legal heirship certificate, when any change relating to the properties of a deceased person has to be carried out in the records. Be it for sale of a property, or for incorporating the details of legal heirs in bank accounts, in shares or securities, for claiming



pensionary benefits, change of name in ration cards, electricity consumer connections, water connections, etc, a legal heirship certificate is insisted upon. A common man is compelled to run from pillar to post, to incorporate such change of name in the records, after the death of a family member. Unfortunately, there is no statutory prescription regarding the issuance of a legal heirship certificate. The only procedure which can be identified, as authorising the issuance of a legal heirship certificate is the specification, prescribed under the Village Manual. However, the said Village Manual is neither a law nor a rule that has got any statutory backing or force. It is only a mode of guidance or set of guidelines that have been prescribed to guide Village Officers or Revenue Officers in their functioning.

12. With the limited time available to remain away from their respective work, the children of the deceased would invariably avoid incorporating the changes pursuant to the death of a person, which in turn, can result in confusion in various records maintained by the State. In this scenario, it is high time, considering the requirement of a legal heirship certificate being insisted upon by various authorities, that the State considers enacting a provision of law or rule, which lays down a proper procedure for issuance of a legal heirship certificate.

13. Of course, the remedy of obtaining a succession certificate is



available, apart from the possibility of a certificate from the Administrator General under the Administrators General Act, 1963. However, a succession certificate can be issued only for debts or securities as provided under section 370 to section 374 of the Indian Succession Act, 1925, while a certificate under the Administrators General Act, 1963 is only for the value of a property up to rupees ten lakhs. Nevertheless, as noted earlier, there are various circumstances that arise on a day to day basis, where a legal heirship certificate is insisted upon by the authorities.

14. On an analysis of the above provisions of law, it is evident that there is a vacuum, as far as the legal heirship certificates are concerned for persons who want to obtain such certificates other than for debts or securities and for properties with a value of more than rupees five lakhs and for immovable properties. In cases where there are disputes, it is possible to assume that a party can be relegated to a civil court to resolve the dispute, but in cases where there are no disputes raised by any person, there is still a vacuum, if the value of the property is more than rupees five lakhs.

15. It is curious to note that a legal heirship certificate is tied to a financial limit. Legal heirship has no nexus with the quantum or value of property. A legal heirship certificate only identifies the legal heirs. There cannot be a change in the status as a legal heir, merely on account of



the quantum involved. Therefore, it is necessary that a legal heirship certificate, in cases where there are no disputes, be issued by the Revenue Authorities as per the Village Manual, irrespective of the quantum involved. The prescription in paragraph 236 of the Village Manual, referring to a limit of Rupees Five Lakhs, is, without any legal basis and has no rationale as well.

16. In this context, it is appropriate to note that the Kerala Land Revenue Manual is neither a statute nor a legal document but is only a set of guidelines that guides the officers in the discharge of their multifarious duties. Reference to the decision in **Sohan V.M. v.State of Kerala** [2026 (1) KHC 394] is relevant, in this context. Therefore the fixation of a financial limit or a monetary quantum in paragraph 236 of the Village Manual cannot by itself be regarded as a legal restriction in issuing legal heirship certificates. The decisions in **Premalatha Subhash (supra)**, **Anwar Hussain A (supra)** and **Renuka K.K. (supra)** have not considered the aforesaid legal implications of the Village Manual.

17. As there is a vacuum, it is appropriate that the State considers the feasibility of enacting rules in that regard. Until a suitable rule is made, this court felt it necessary to invoke the power under Article 226 of the Constitution of India to issue directions to enable the Revenue Officers to have appropriate guidance to issue legal heirship certificates.



Since, as noted earlier, a legal heirship certificate only declares who the legal heirs are, irrespective of the quantum involved, until and unless a rule is made, the competent Revenue Officer (Tahsildar) ought to be permitted to issue legal heirship certificates, irrespective of the quantum involved. This Court fervently hopes that the State will, in the meantime, consider the absence of a law or Rules in that regard and be advised to enact a suitable provision for issuing legal heirship certificates, as the matter is of utmost importance to the people of Kerala.

18. As far as the petitioner is concerned, since an applicant residing outside India or a person who had renounced his citizenship of India, is entitled to be regarded as an applicant as per paragraph 213 of the Village Manual, petitioner's application cannot be rejected on that ground. Reference to the decision in **Anna Jacob v. State of Kerala** [2025:KER:32502], is relevant in this context, as a learned single Judge of this Court had observed that, paragraph 213 of Village Manual permits persons residing abroad to submit an application before the Village Officer within whose limits they had permanently resided for more than six months.

19. Further, it is noticed from Ext. P2 that a family membership certificate dated 24.12.2022 has already been issued to the petitioner by the Village Officer, depicting the details of his family. Obviously an



enquiry would have been conducted for issuing such a certificate. Hence, denying the issuance of a legal heirship certificate to the petitioner, in such circumstances, is unjustified.

Accordingly, the following directions are issued:

- (i). Ext.P9, Ext.P25 and Ext.P32 are quashed and the 3rd respondent is directed to consider the application of the petitioner for issuance of a legal heirship certificate, as expeditiously as possible, at any rate, within an outer period of three months from the date of receipt of a copy of this judgment, in the light of the observations made herein as well as the family relationship certificate already issued.
- (ii). Since a legal heirship certificate only states who the legal heirs of a deceased are, invoking the power under Article 226 of the Constitution of India, it is declared that, until appropriate rules are made by the State, the Tahsildars shall be entitled to issue, legal heirship certificates under paragraph 236 of the Kerala Village Manual, irrespective of the quantum involved.
- (iii). There shall be a further direction to the State Government to consider enacting a provision, in accordance with law, to govern the issuance of legal heirship certificates.

The writ petition is disposed of as above.

Sd/-

BECHU KURIAN THOMAS, JUDGE

APPENDIX OF WP(C) NO. 659 OF 2026PETITIONER'S EXHIBITS :

Exhibit P1	A COPY OF THE MARRIAGE CERTIFICATE DATED 14/09/1987
Exhibit P2	THE FAMILY CERTIFICATE ISSUED BY KOOROPADA VILLAGE DATED 24/12/2022
Exhibit P3	A COPY OF THE OVERSEAS CITIZENS OF INDIA CERTIFICATE OF THE BABY KURIAN DATED 27/08/2009
Exhibit P4	A COPY OF THE OVERSEAS CITIZENS OF INDIA CERTIFICATE OF THE JOYLYN KURIAN DATED 17/02/2009
Exhibit P5	A COPY OF THE OVERSEAS CITIZENS OF INDIA CERTIFICATE OF THE JACQUIN KURIAN DATED 28/04/2010
Exhibit P6	A COPY OF THE OVERSEAS CITIZENS OF INDIA CERTIFICATE OF THE JASMINE KURIAN DATED 15/04/2010
Exhibit P7	A COPY OF THE DEATH CERTIFICATE DATED 31/10/2018
Exhibit P8	A COPY OF THE APPLICATION FOR THE LEGAL HEIRSHIP DATED 12/06/2024
Exhibit P9	A COPY OF THE ORDER TLKKT/3521/2024-B1, DATED 22/07/2024 OF THE THIRD RESPONDENT
Exhibit P10	A COPY OF THE APPEAL MEMORANDUM DATED 28/12/2024
Exhibit P11	A COPY OF THE ORDER K1/3219/2024/KDIS DATED 05/02/2025
Exhibit P12	A COPY OF THE DEATH CERTIFICATE DATED 20/02/2025 AND APOSTILLED ON 26/02/2025
Exhibit P13	A COPY OF THE APPEAL MEMORANDUM NUMBERED 874775/25/FC-M1 AND DATED 15/03/2025
Exhibit P14	A COPY OF THE, TAX RECEIPT DATED 17/07/2024 ISSUED BY KOOROPPADA VILLAGE
Exhibit P15	A COPY OF THE LUXURY TAX RECEIPT DATED 05/03/2025 ISSUED BY KOOROPPADA VILLAGE
Exhibit P16	A COPY OF THE PROPERTY TAX RECEIPT DATED 13/12/2024 ISSUED BY KOOROPPADA VILLAGE
Exhibit P17	A COPY OF THE OWNERSHIP CERTIFICATE DATED 11/03/2025 ISSUED BY KOOROPPADA GRAMA PANCHAYAT
Exhibit P18	A COPY OF THE LETTER/ORDER DATED



19/04/2025

Exhibit P19 A COPY OF THE MEMO DATED 09/06/2025

Exhibit P20 A COPY OF THE AD CARD DATED 10/06/2025

Exhibit P21 A COPY OF THE MEMO DATED 28/06/2025

Exhibit P22 A COPY OF THE AD CARD DATED 30/06/2025

Exhibit P23 A COPY OF THE ELECTRICITY BILL DATED 02/05/2025

Exhibit P24 A COPY OF THE ENVELOPE ADDRESSED TO THE WRIT PETITIONER AND SENT FROM THE OFFICE OF THE SECOND RESPONDENT

Exhibit P25 A COPY OF THE ORDER NO K1-1459/2025/KDIS DATED 01/07/2025

Exhibit P26 A COPY OF THE AFFIDAVIT OF DEATH AND HEIRSHIP, ATTESTED BY THE NOTARY PUBLIC DATED 9 TH DAY OF JULY 2025 AND APOSTILLED ON 17 TH DAY OF JULY 2025

Exhibit P27 A COPY OF THE REVIEW PETITION DATED 25/07/2025

Exhibit P28 A COPY OF THE ORDER K1/1982/2025/LDIS DATED 06/08/2025

Exhibit P29 A COPY OF THE MEMORANDUM OF THE REVISION PETITION 969215/2025/PC/DCKTM DATED 14/08/2025

Exhibit P30 A COPY OF THE LETTER DATED 10/11/2025

Exhibit P31 A COPY OF THE A/D CARD SIGNED 11/11/2025

Exhibit P32 A COPY OF THE ORDER DATED 12/11/2025

Exhibit P33 A COPY OF THE ENVELOPE ADDRESSED TO THE COUNSEL, BUT SENT TO THE ADDRESS OF THE WRIT PETITIONER

RESPONDENTS' ANNEXURES :

Annexure R1(A) TRUE COPY OF THE G.O.(MS) NO.359/67/RD DATED 10/08/1967