



W.P(MD)No.7731 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2026

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.7731 of 2026

R.Mahalakshmi

... Petitioner

Vs

The Tahsildar,
O/o.Tahsildar Office,
Theni Taluk,
Theni, Theni District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondent to issue patta for the property comprised in Survey No.1630 patta No.41 situates in west chinnakanmai, Allinagaram, Theni District with an extent of 22 1/2 cents based on her application dated 26.11.2024 within a time as stipulated by this Court.

For Petitioner : Mr. P.Gunasekaran

For Respondent : Mr.D.Gandhiraj
Special Government Pleader



W.P(MD)No.7731 of 2026

ORDER

WEB COPY

The present Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the respondent to issue patta for the property comprised in survey No.1630 patta No.41 situates in west chinnakanmai, Allinagaram, Theni District with an extent of 22 1/2 cents based on the petitioner's application dated 26.11.2024.

2. The petitioner's mother, namely, Late Guruvammal @ J.Vijayalakshmi was the owner of the property. She had inherited the property through registered partition among the sisters and brothers of the petitioner's mother on 18.11.2013. The petitioner's mother was allotted the present property in the said registered partition deed. Thereafter, the petitioner's mother had executed a registered Will dated 12.10.2021 in favour of the petitioner. The petitioner's mother died on 16.10.2024 and the Will came into effect thereafter. The petitioner is in possession and enjoyment of the property. The petitioner's sisters had filed a civil suit in O.S.No.58 of 2019 on the file of Additional District Court, Theni and the same was dismissed for default on 29.10.2025.

3. The contention of the petitioner is that after the registered partition deed, the petitioner's mother is the absolute owner of the property and it has to be



W.P(MD)No.7731 of 2026

termed as individual property. Therefore, the petitioner's mother has every right to settle the same in favour of the petitioner and there cannot be any rival claim.

4. The learned Special Government Pleader appearing for the respondent submitted that another suit has been filed in O.S. No. 11 of 2026 on the file of the Additional District Court, Theni, and the same is pending. He further submitted that O.S. No. 58 of 2019 was initially dismissed for default and that a restoration petition has been filed and the same is pending. The said statement is recorded.

5. Since there is a rival claim, this Court is directing the respondent to issue patta to the petitioner based on the registered Will. However, the same shall be subject to the outcome of the suits in O.S.No.58 of 2019 and O.S.No.11 of 2026 on the file of the Additional District Court, Theni.

6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

24.03.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes

jbr

3/4



WEB COPY



W.P(MD)No.7731 of 2026

S.SRIMATHY, J.

jbr

To:

The Tahsildar,
O/o.Tahsildar Office,
Theni Taluk,
Theni, Theni District.

**ORDER MADE IN
W.P(MD)No.7731 of 2026**

DATED : 24.03.2026