



W.P.(MD)No.17621 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2026

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.17621 of 2022
and W.M.P(MD)No.12837 of 2022

Jeyachandran

...Petitioner

Vs.

1. The Revenue Divisional Officer,
Madurai.

2. The Madurai West Taluk Officer,
23, Theni Road, Fenner Colony,
Viratripattu, Madurai – 625 014.

3. R. Karthikeya Narayanan,

4. R. Vimal Ananth,

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ or order or direction in the nature of Writ of Certiorari calling for the records of the impugned order dated 27.07.2022 in Na.Ka.No.6753/2021(P) on the file of 1st respondent as illegal, incompetent and without jurisdiction and quash the same.



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For Petitioner : Mr. Isaac Mohanlal, Senior Counsel for
K.M.Priscilla Jancy Advocate

For R-1 & R-2 : Mr.S.Siva Thilakar. Counsel for the
State of Tamil Nadu

For R-3 & 4 : Mr.G.Prabhu Rajadurai for Mr.N.Sathish Babu

ORDER

The present writ petition has been filed for Certiorari to quash the impugned order dated 27.07.2022. Through the impugned order the respondent had cancelled the patta granted to the writ petitioner Jeyachandran and further directed to keep in the patta in the stage prior to granting of patta in the name the writ petitioner.

2. The brief facts of the case are that the property in question belongs to Narayanan Pillai who died issueless. The claim of the petitioner is that the said Narayanan Pillai has executed an unregistered Will dated 15.05.2000 in favour of one Packiyanathan, who had served Narayanan Pillai for a long time and in view of that the original owner had given the property to him through the Will. After the demise of Narayanan Pillai, the Will came into force and the said



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Packiyathan obtained the property through the Will. Thereafter he had sold the property in S.No.168/1 to the writ petitioner vide sale deed dated 28.10.2020 in Document No.3466 / 2020, thereby the writ petitioner is entitled to the property.

3. On the other hand, the 3rd and 4th respondents claim the said Narayanan Pillai and his wife S.S.V.Chandragandhi died issueless. The said S.S.V.Chandragandhi has a brother namely S.S.V.Ramachandran, who had two daughters namely Chellammal and Vanaja. The said Chellammal had married one Sukumar and living at Chennai and the said Vanaja had married one Ramalingam and was living along with Chandragandhi. During the life time of Chandragandhi, she had executed registered Will dated 07.06.1989 by revoking the earlier Will dated 24.02.1983. In the Will dated 07.06.1989 the property mentioned in A schedule was given to Chellammal and B schedule was given to Vanaja. The Chandragandhi died on 17.02.1999 and the Will came into force. Since the Will was executed regarding a property at Chennai and the registered at Chennai the same was probated in O.P.No.373 Of 2003 vide order dated 23.12.2003. Hence Chellammal and Vanja had inherited the property through the



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Will and they were in possession and enjoyment of the property. After the demise of Vanaja on 10.11.2016 her husband Ramalingam and her sons Karthikeya Narayanan and Vimal Ananth (the 3rd and 4th respondents herein) had inherited the properties.

4. Further the said Narayanan Pillai had sold a property to R.Vanaja in Document No.693 of 2002 dated 11.06.2000. Furthermore, the said Narayanan Pillai had executed Settlement Deed in Document No.695 of 2002 dated 01.09.2001 in favour of Vanaja's husband R.Ramalingam. Also executed three Wills on 26.01.2004, the registered Will Document No.8/BK3 was executed in favour of the 3rd respondent Karthikeya Narayanan bequeathing some properties, the registered Will Document No.9/BK3 was executed in favour of the said Vanaja bequeathing some properties and registered Document No.12/BK3 was executed in favour of the 4th respondent Vimal Ananth bequeathing some properties. And another registered Will was executed on 06.05.2004 in favour of Vanaja's husband R.Ramalingam in Document No.44/BK3 bequeathing some properties. After the demise of Narayanan Pillai on 20.06.2004, the Wills came



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into force and the beneficiaries from the aforesaid four Wills were in possession and enjoyment of the properties. After the demise of Vanaja on 10.11.2016 her husband Ramalingam and her sons Karthikeya Narayanan and Vimal Ananth (the 3rd and 4th respondents herein) had inherited the properties.

5. The 3rd and 4th respondents submitted that the writ petitioner is claiming that the said Narayanan Pillai had executed two Wills. One Will dated 15.05.2000 for the property in S.No.168/1 and the property covered in the Will is sold to the writ petitioner vide sale deed dated 28.10.2020 Document No.3466 of 2020. Apart from the above stated alleged Will dated 15.05.2000, the writ petitioner is claiming that the said Narayanan Pillai executed another Will to the said Packiyanathan to the land situated in R.S.No.47/3A and 48/1A1. Based on the alleged Will the said Packiyanathan had executed settlement deeds dated 03.12.2020 registered as Document No.4159 of 2020 and another deed dated 04.12.2020 in Document No.4100 / 2020 in favour of the writ petitioner. The above stated allegations are stated in the Vacate Stay petition. It is seen that the petitioner had not filed any rejoinder.



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6. The writ petitioner claims right over the property situated in **S.No. 47/3A and 48/1A1** based on settlement deeds dated 4159/2020 and 4100/2020 and the person who gifted the property claim he had obtained through the alleged Will. The 3rd and 4th respondents claim right over the property through the Will dated 26.01.2004 executed by the said Narayanan Pillai himself.

7. Further the writ petitioner claims right over the property situated in **S.No.168/1** admeasuring 1 acre 40 cents through his sale deed dated 28.10.2020 and his vendor claim right through the unregistered Will dated 15.05.2000. The 3rd and 4th respondents claim right over the said property through the Will dated 26.01.2004 executed in favour of Vanaja, the mother of the respondents. However, in the present case the property in dispute is S.No.168/1.

8. The petitioner's sale deed 28.10.2020 was challenged by R.Ramalingam, the father of the 3rd and 4th respondents before the Registrar (Administration) Madurai. After hearing the rival submissions, the Registrar had passed an order dated 12.02.2021 wherein he had come to the conclusion that the



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alleged Will dated 15.05.2000 is forged one, further directed the parties to approach the Civil Court to resolve their disputes. The said order was challenged by the writ petitioner in W.P.(MD)No.7543 of 2021 wherein this Court granted interim order of stay, subsequently passed final order dated 20.09.2023, wherein the Court had held since the parties had already filed suit in Civil Court, the Trial Court was directed to consider the rival pleas uninfluenced by the observations made by the Registrar. The interim order of stay had merged with the final order.

9. Thereafter the 3rd and 4th respondents had filed a petition before the Revenue Divisional Officer to cancel the patta issued to the writ petitioner based on the order passed by the Registrar, Registration Department. Since the Registrar had held the alleged Will is forged, the patta issued to the writ petitioner was cancelled. Aggrieved over the same the writ petition is filed.

10. Heard Mr.Isaac Mohanlal, the learned Senior Counsel appearing for Priscilla Jancy appearing for the writ petitioner, Mr.Prabhu Rajadurai, the



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learned Counsel appearing for the 3rd and 4th respondents and Mr.Siva Thillagar, the learned Counsel for the State of Tamil Nadu and perused the records.

11. The contention of the petitioner is that since the suit is pending the RDO ought not to have passed the order cancelling patta to the petitioner. The private respondents submitted the RDO had rightly cancelled the patta and directed to keep the patta in the stage prior to issuance of patta. It is seen the private respondents allege the Will is forged and claim that they have title through the Will that was executed to them, thereby setting up the rival title. When the title to the property in the name of the petitioner and his vendor is disputed by the private respondents and rival title is claimed, then it is incumbent on the part of the petitioner to prove the Will in the manner known to law. Until then the petitioner may not be entitled to change the patta in his vendor's name and consequently in his name. Therefore, this Court is of the considered opinion that the cancellation of patta through the impugned order is absolutely right and legally valid and deserves no interference. After the conclusion of the civil

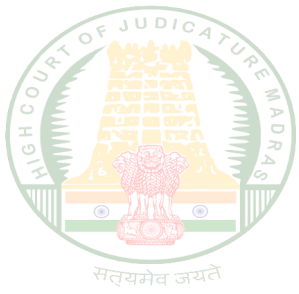


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proceedings, the parties are at liberty to approach the revenue authorities to issue patta in their names, until then the petitioner is not entitled to patta.

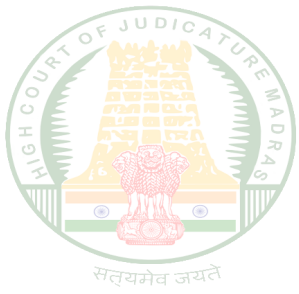
12. Now the next question arises whether the patta ought to stand in the name of the 3rd and 4th respondents. Generally, when there is a dispute in title, until the dispute is settled, then the patta ought to stand in the name of the original owner Narayanan Pillai. However, the learned Counsel appearing for the private respondents submitted that the patta ought to be issued in the names of the private respondents, since they claim right over the property based on the Will. Even if not the Will, they are entitled to the property as legal heirs of the deceased Narayanan Pillai. But the learned Senior Counsel appearing for the petitioner opposed the same and submitted that patta never stood in the name of the private respondents and it was standing in the name of the Narayanan Pillai all these years. Further submitted that the respondents cannot seek any order in the writ petitioner's petition.



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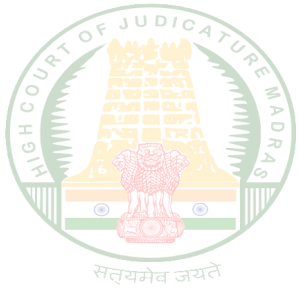
13. After hearing the rival submissions, this Court perused the records. It is seen that the said Narayanan Pillai had sold a property to Vanaja, private respondents' mother and gifted another property to the R.Ramalingam, the private respondents' father. Further it is seen in the Will executed in favour of the private respondents, the said Narayanan Pillai has expressed his wish that the specific property should go to the person he wishes. Crucially it is seen that the said Narayanan Pillai had stated that he had already execute a Will dated 31.03.1999 Document No.37/1999 and the same is revoked by execution of the present Will in favour of the private respondents. It is pertinent to state that the said Will dated 31.03.1999 was executed just one month after his wife death dated 17.02.1999. But he has not referred the alleged Will dated 15.05.2000 executed in favour of the petitioner, when the Narayanan Pillai had executed the subsequent Will dated 26.01.2004, hence it creates suspicion over the Will dated 15.05.2000, which has to be proved in the manner known to law. Even if the Will in favour of the petitioner is taken as genuine, then also there is a legal impediment, since the last Will of the Narayanan Pillai is dated 26.01.2004, then the earlier alleged Will dated 15.05.2000 would have deemed to be revoked.



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Then the burden on the petitioner is more to prove his Will. A feeble submission was made by the learned Senior Counsel that he had taken care of the Narayanan Pillai and hence he had bequeathed the property in his favour. If it is one property then there is a possibility to accept the said submission, but it is seen that the petitioner is claiming another property situated in S.No.47/3A and 48/1A1 through another Will and on settlement deeds dated 4159/2020 and 4100/2020. Then the said submission becomes highly improbable and unacceptable. On the other hand, the private respondents are claiming under Will as well as legal heirs. It is specifically submitted by the learned Counsel appearing for the private respondents that until the disposal of the suit they will not sell or encumber the property. This Court is accepting the undertaken given by the 3rd and 4th respondents. Hence, for the reasons stated supra the patta shall stand in the name of 3rd and 4th respondents, until the disposal of the suit filed by the petitioner in O.S.No.484 of 2021 on the file of IV Additional District Munsif Court, Madurai. Since the suit is filed in the year 2021, the Trial Court is requested to complete the Trial within a period of one year.



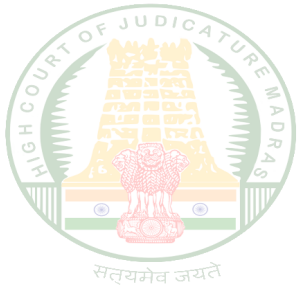
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14. For the reasons stated supra, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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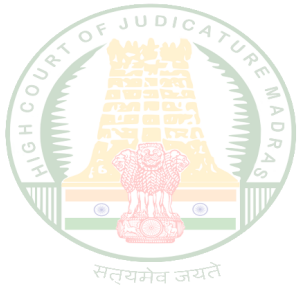


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S.SRIMATHY, J

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**Order made in
W.P.(MD)No.17621 of 2022**

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