



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2017

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THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P (MD) .No.5151 of 2013

1.R.Mariammal (died)

2.Rekha Bhavani alias Fathima Ragila

(P-2 impleaded as petitioner
vide order dated 25.04.2017 in

W.M.P (MD) No.2768 of 2017)

... Petitioner

Vs.

1.The District Revenue Officer,
O/o. District Revenue Officer,
Kodaikanal, Dindigul District.

2.The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Kodaikanal, Dindigul District.

3.The Tahsildar,
Kodaikanal Taluk, Dindigul District.

4.M.F.W.Jeayasingh

5.Kanagadass

(R4 and 5 impleaded vide order

dated 10.04.2017 in M.P (MD) No.1 of 2013) ... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of writ of mandamus, directing the directing the respondent No.3 to enquire and effect changes in the Revenue Records and enter petitioner's name in Adangal with regard to the property in an extent of 1 acre in Survey No. 1125/6 situated at Kurunji Andavar koil Road Vilpatti Panchayat Kodaikanal Taluk Dindigul District within a time stipulated by this Court.

For Petitioner

: Ms.Rekha Bhavani @
Fathima Ragila
Party in Person

For Respondents 1-3

: Mrs.S.Bharathi,
Government Advocate.

For Respondents 4 & 5 : Mr.R.Vijayakumar

**ORDER**

One Mariammal has filed the above writ petition seeking for the issuance of writ of mandamus, directing the third respondent namely, the Tahsildar, Kodaikanal to enquire and effect changes in the revenue records and enter the petitioner's name in adangal with regard to the property to an extent of 1 acre in Survey No.1125/6, situated at Kurunji Andavar Koil Road, Vilpatti Panchayat, Kodaikanal Taluk, Dindigul District within a time stipulated by this Court.

2.The said Mariammal died during the pendency of the writ petition. The petitioner one Rekha Bhavani @ Fathima Ragila has filed W.M.P.(MD)No.2768 of 2017 claiming that the said Mariammal had executed a Will dated 19.02.2013 in her favour in respect of the property in question. On the said ground, she sought to be impleaded as the second petitioner in the writ petition.

3.The private respondents namely, the respondents 4 and 5 have filed a counter disputing the said Will.

4.It is seen that the private respondents have filed a suit in O.S.No.207 of 2013 on the file of the District Munsif Court, Kodaikanal seeking a decree for permanent injunction against the said Mariammal not to interfere with their possession. The said suit has been decreed by the District Munsif Court, Kodaikanal on 07.12.2015.

5.The petitioner in person namely, Rekha Bhavani @ Fathima Ragila would submit that she had already filed an application for setting aside the ex-parte decree and the same is pending before the District Munsif Court, Kodaikanal.

6.The validity or otherwise of the Will executed by Mariammal on 19.02.2013 has to be decided by the District Munsif Court, Kodaikanal in the pending civil proceedings.

7.I do not think that a writ of mandamus can be issued at this stage. However, it is made clear that the mutation of the revenue records that is said to have been effected by the Tahsildar will be subject to the result of the civil proceedings pending before the District Munsif Court, Kodaikanal.

8.Accordingly, this writ petition is disposed of with the following directions:-

If the petitioner namely Rekha Bhavani @ Fathima Ragila succeeds before the Civil Court, she will be entitled to mutation of revenue records in her name as per said Will executed by the said Mariammal. The mutation said to have been effected by the Tahsildar will be subject to the result of the civil proceedings which is pending before the District Munsif Court, Kodaikanal. If the



petitioner, namely, Rekha Bhavani @ Fathima Ragila succeeds before the Civil Court, the revenue authorities will abide by the decree of the Civil Court and effect mutation of the revenue records without any further orders from this Court. No costs.

Sd/-

Assistant Registrar (RTI)

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/True copy/

Sub Assistant Registrar

To

- 1.The District Revenue Officer,
O/o. District Revenue Officer,
Kodaikanal, Dindigul District.
- 2.The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Kodaikanal, Dindigul District.
- 3.The Tahsildar,
Kodaikanal Taluk,
Dindigul District.

+1 cc to Ms.Rekha Bhavani , Advocate in SR.No. 53889

+1 cc to Mr.R.Vijayakumar , Advocate in SR.No. 54268

rmi/vsg

AE/SV/SAR4/12.06.2017/3P/6C

W.P (MD) .No.5151 of 2013
25.04.2017