



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2019

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THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD) No. 21161 of 2018

R. Aruna Devi

: Petitioner

Vs.

The Tahsildar,
Shenkottai Taluk,
Thirunelveli District.

: Respondent

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order dated 26.09.2018 passed by the respondent in application no.2018/0103/29/137688, 26.09.2018 quash the same and consequently, direct the respondent to transfer the Patta, in respect of S.No.638/1 of Panpoli Village, Shenkottai Taluk, Thirunelveli District in registered document nos.284 to 287 all dated 09.02.2018 in favour of the Writ Petitioner.

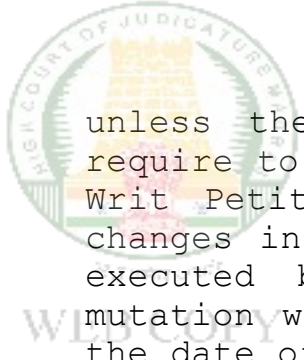
For Petitioner : Mr.K. Thiyagaraja Marthandan
For Respondent : Mr.K.Mu.Muthu
Additional Government Pleader

O R D E R

Heard the learned counsel on either side.

2. The petition mentioned property stood in the name of one Ramalingam. He passed away on 02.06.2018. The said Ramalingam had executed a sale deed on 23.04.2018 bequeathing his properties in favour of his wife and two children. Based on the said Will, the petitioner moved the respondent for effecting notation in the revenue records. The respondent declined the petitioner's request on the ground that the Will dated 23.04.2018 executed by the said Ramalingam has not been registered.

3. The counsel on either side admit that the Will does not require registration. However, the respondent declined stating that he would not effect mutation in the revenue records,



unless the Will is registered. The Will in question does not require to be probated also. Therefore, the order impugned in the Writ Petition is quashed. The respondent is directed to make changes in the revenue records based on the Will dated 23.04.2018 executed by the Writ Petitioner's husband Ramalingam. Such mutation will be carried out within a period of eight weeks from the date of receipt of a copy of this order.

4. With the observations, this Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

To

The Tahsildar,
Shenkottai Taluk,
Thirunelveli District.

+1 cc to Mr.K.Thiagaraja Marthandan , Advocate SR.No.53425

+1 cc to The Special Government Pleader Sr.No.53604

trp

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