



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P.(MD).No.26805 of 2019

and W.M.P.(MD).No.23172 of 2019

WEB COPY

N.Rajeswari

.. Petitioner

Vs.

1.The Revenue Divisional Officer,
Melur, Madurai District.

2.The Tahsildar, Melur Taluk,
Madurai District.

3.Ilavarasu

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to enforce the order of the 1st respondent, dated 28.03.2017 in Na.Ka.No.867/16/C and consequently direct the 1st respondent to include the name of the petitioner, her daughter Jeyachitra, her daughter-in-law Bharathi in joint patta bearing Patta No.2044 for Survey No.237/6, bearing Patta No.2043 for Survey No.237/5, bearing patta No.1983 for Survey No.375/2, 375/9, bearing patta No.526 for Survey No.376/2, bearing patta No.2204 for Survey No.330/1A, 331/5, 331/6 & 378/2 of Therkkur Theru Village, Melur Taluk, Madurai District.

For Petitioner : Mr.V.Sasi Kumar

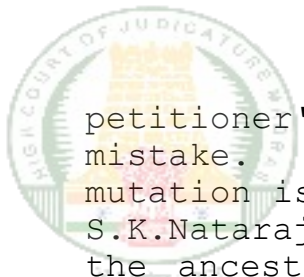
For Respondent : Mr.A.Thiyagarajan,

Government Advocate for R1 & R2

ORDER

This writ petition is filed for issuing a writ of mandamus directing the 2nd respondent to enforce the order of the 1st respondent, dated 28.03.2017 in Na.Ka.No.867/16/C and consequently direct the 1st respondent to include the name of the petitioner, her daughter Jeyachitra, her daughter-in-law Bharathi in joint patta bearing Patta No.2044 for Survey No.237/6, bearing Patta No.2043 for Survey No.237/5, bearing patta No.1983 for Survey No.375/2, 375/9, bearing patta No.526 for Survey No.376/2, bearing patta No.2204 for Survey No.330/1A, 331/5, 331/6 & 378/2 of Therkkur Theru Village, Melur Taluk, Madurai District.

2.The petitioner seeks mutation of names in revenue records by stating that the property is the ancestral property of her husband who died in 1999. The case of the petitioner is that after the death of petitioner's husband the name of his son though was included in the revenue records the other legal heirs of



petitioner's husband were not included in the joint patta by mistake. Though the petitioner claims that the property for which mutation is asked for is the ancestral property of her husband Thiru S.K.Natarajan, no document is produced to show that the property is the ancestral property of her husband or her son. Though it is admitted that the petitioner's son by name Ilavarasu died in the year 2012, the petitioner has shown him as third respondent in this writ petition. A partition deed of the year 1981 is produced before this Court to show that there was a partition between her husband and others. The said partition is an unregistered and, un stamped document and hence it is not admissible in evidence, even before this court or before the revenue officials. Unless, the petitioner is able to establish by other document that the property became the property of her husband as per the partition in 1981, the petitioner's contention that she is also entitled to the property as a heir of her husband cannot be accepted. The first respondent has directed the name of the petitioner and daughter-in-law as heirs of Thiru Ilavarasu, since the name of the said Ilavarasu is found in the revenue records as pattadhars. Stating that the name of petitioner's husband is not in the revenue records to show his enjoyment or title, the request of the petitioner to include the names of the legal heirs of petitioner's husband was rejected by the first respondent.

3.In such circumstances, the writ petition against third respondent is dismissed as the third respondent is stated to have been impleaded by mistake and he also died in the year 2012. Though the petitioner claimed patta as the legal heirs of her husband, no record is produced to show the character of property and there is no revenue record to show her entitlement as a legal heir of S.K.Natarajan along with her daughter. Hence, this Court is of the view that this writ petition cannot be entertained. It is open to the petitioner to establish her right along with other legal heirs of her husband to claim ownership over the property. Without disturbing the order of first respondent including the name of petitioner and the wife of third respondent in the patta, this writ petition is dismissed and the petitioner is at liberty to establish her case as to the joint family character of the property and the entitlement of other legal heirs of her husband.

4.With the above observation, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

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/ /2020

Sub Assistant Registrar(CS)



1.The Revenue Divisional Officer,
Melur, Madurai District.

2.The Tahsildar,
Melur Taluk,
Madurai District.

+1 CC to M/s.V.SASIKUMAR, Advocate (SR-105685[F] dated 18/12/2019)

W.P. (MD) .No.26805 of 2019
17.12.2019

SE (CO)
TR (24.01.2020) 3P 4C