



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2021

CORAM

**THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

**W.P(MD).No.16703 of 2021**

Balakrishnan

... Petitioner

**Vs.**

1.The Revenue Divisional Officer,  
Kovilpatti, Thoothukudi District.

2.The Tahsildar,  
Kovilpatti Taluk Office,  
Kovilpatti,  
Thoothukudi District.

3.The Head Surveyor,  
Kovilpatti Taluk Office,  
Kovilpatti, Thoothukudi District.

... Respondents

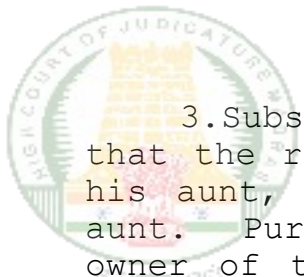
**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 2 and 3 herein to delete the name of petitioner's grandmother namely Karuppayee Ammal from the joint Patta No.3696 with regard to property in Survey Nos.117/1, 118/4, 129/1A and 129/1B situated in Pandavarmangalam Village, Kovilpatti Taluk, Tuticorin District and further direct the second and third respondents to measure and identify the same based on the petitioner's representation, dated 14.07.2021.

For Petitioner : Mr.G.Gomathi Sankar  
For Respondents : Mr.K.S.Selva Ganesan  
Counsel for State

**ORDER**

The petitioner seeks the deletion of his grandmother's name from joint Patta No.3696 with regard to the property bearing Survey Nos.117/1, 118/4, 129/1A and 129/1B at Pandavarmangalam Village, Kovilpatti Taluk, Tuticorin District.

2.The petitioner states that the above mentioned property originally belonged to his grandmother, namely, Karuppayee Ammal, who was in possession and enjoyment of the said property during her lifetime. It is stated that the said Karuppayee Ammal died on 06.09.1972. The death certificate issued in such regard is cited in support of the submission.



3.Subsequent to his grandmother's death, the petitioner states that the release deed dated 07.07.2015 was executed by his mother, his aunt, Mariammal, and the other legal heirs of his mother and aunt. Pursuant thereto, it is stated that he has become the sole owner of the property. After approaching this Court in W.P.(MD) No.9681 of 2019, it is stated that Patta No.3696 was issued to the petitioner. However, such patta also carries the name of his grandmother, Karuppayee Ammal. The present writ petition is filed to delete the name of his grandmother from the patta.

4.Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the Tahsildar may be directed to initiate necessary action in response to the petitioner's request.

5.Under the Patta Pass Book Act 1983, the Tahsildar is vested with jurisdiction to effect a mutation of the patta either in case of the death of the pattathar or in case of a transfer of the relevant property from the previous pattathar to another. In the case at hand, the petitioner has enclosed the death certificate of his grandmother, which indicates that she died on 06.09.1972. He has also enclosed the release deed dated 07.07.2015, which is a registered document bearing Document No.4707/2015, by which the other legal heirs of his grandmother have released their rights in the relevant property in favour of the petitioner. In these circumstances, the petitioner has made out a case for the consideration of his request for deletion of the name of his grandmother, subject to the production of original documents in such regard to the Tahsildar.

6.Accordingly, the second respondent is directed to consider the petitioner's representation dated 14.07.2021 for the deletion of the name of his grandmother from the joint Patta No.3696. For such purpose, the petitioner is directed to submit all the relevant original documents to the Tahsildar within a period of two weeks (2) from the date of receipt of a copy of this order. Upon receipt and scrutiny thereof, the Tahsildar is directed to initiate necessary action and complete such exercise within a period of two months from the date of receipt of a copy of this order.

7.W.P.(MD)No.16703 of 2021 is disposed of on these terms without any order as to costs.

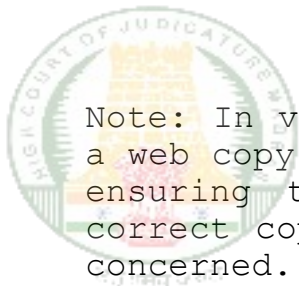
Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

1.The Revenue Divisional Officer,  
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+1 CC to M/s.G.GOMATHI SANKAR, Advocate ( SR-29492[F] dated  
17/09/2021 )

+1 CC to M/s.SPL. GP ( SR-29587[F] dated 20/09/2021 )

W.P(MD) .No.16703 of 2021  
17.09.2021

**RS (27.09.2021) 3P 6C**