



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD) No.17212 of 2021

K.Mohanakrishnan

... Petitioner

**Vs.**

1.The District Collector,  
Office of the Collector,  
Madurai,  
Madurai District.

2.The Revenue Divisional Officer,  
Office of the Revenue Divisional Office,  
Melur Taluk,  
Madurai District.

3.The Tahsildar,  
Melur Taluk,  
Madurai District.

4.The Zonal Deputy Tahsildar,  
Melur Taluk,  
Madurai 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 third respondent to transfer the patta to the petitioner in Survey No.498/6 to the extent of 26 cents, Survey No.501/16 to the extent of 75 Cents, Survey No.501/10 to the extent of 9 Cents, Survey No.503/4A, to the extent of 61 Cents, Survey No.503/1 to the extent of 86 Cents, Survey No.501/5 to the extent 1 acre 82 Cents, Survey No.501/13B, to the extent of 15 Cents, Survey No.498/8 to the extent of 16 Cents, Survey No.496/4 to the extent of 10 Cents, Survey No.495/13 to the extent of 19 Cents situated in Vellalur Village based on the Will dated 13.03.2018 by considering his application dated 12.07.2021.

For Petitioner : Mr.S.J.Chakkaravarthy  
For Respondents : Mr.P.Subbaraj,  
Counsel for State.



**ORDER**

The petitioner seeks a direction to the third respondent to transfer the patta in his name as regards the property bearing S.No.498/6 of an extent of 26 cents, S.No.501/16 of an extent of 75 cents, S.No.501/10 of an extent of 9 cents, S.No.503/4A of an extent of 61 cents, S.No.503/1 of an extent of 86 cents, S.No.501/5 of an extent of 1 acre 82 cents, S.No.501/13B of an extent of 15 cents, S.No.498/8 of an extent of 16 cents, S.No.496/4 of an extent of 10 cents and S.No.495/13 of an extent of 19 cents in Vellalur Village, based on the Will dated 13.03.2018.

2.The petitioner states that the above mentioned properties were owned by his grandfather, M.Krishnan. On 13.03.2018, his grandfather executed a registered Will in his favour. Therefore, the petitioner became the owner of the property upon the death of his grandfather on 08.05.2021. Subsequently, the petitioner applied to the fourth respondent on 10.07.2021 for a mutation of the patta. By order dated 11.07.2021, the fourth respondent rejected the application without assigning a reason. The said order was assailed on 12.07.2021 before the second respondent. On account of the perceived inaction in respect of such appeal, the present writ petition is filed.

3.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the second respondent may be directed to consider and dispose of the appeal expeditiously.

4.The petitioner has enclosed a copy of the registered Will executed by his grandfather, the death certificate of his grandfather and the patta issued in the name of his grandfather. Therefore, the petitioner is entitled to a consideration of the appeal filed before the second respondent, and such appeal should be disposed of expeditiously.

5.Accordingly, without entering any findings on the merits of the matter, the second respondent is directed to consider the appeal filed by the petitioner on 12.07.2021 and dispose of such appeal by a reasoned order within a period of three (3) months from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner and any other person who would be affected by such decision.

6.W.P.(MD)No.17212 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj i

<https://hcservices.ecourts.gov.in/hcservices/>



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.

To

1.The District Collector,  
Office of the Collector,  
Madurai,  
Madurai District.

2.The Revenue Divisional Officer,  
Office of the Revenue Divisional Office,  
Melur Taluk,  
Madurai District.

3.The Tahsildar,  
Melur Taluk,  
Madurai District.

4.The Zonal Deputy Tahsildar,  
Melur Taluk,  
Madurai District.

+1 CC to M/s.S.J.CHAKKKARAVARTHY, Advocate ( SR-30217[F] dated 24/09/2021 )

+1 CC to M/s.SPL.GP ( SR-30334[F] dated 27/09/2021 )

**W.P (MD) No.17212 of 2021**  
**24.09.2021**

MGJ(04.10.2021) 3P 7C