



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.18993 of 2021

C.Lakshmi

... Petitioner

Vs .

The Tahsildar,
R.S.Mangalam Taluk Office,
R.S.Mangalam,
Ramanathapuram District.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent for transfer of the Patta No.1434 and Patta No.331 situated at Sethidal Village, Rajasingamangalam Taluk, Ramanathapuram District to the petitioner, claiming under Section 15 (1) of Hindu Succession Act, 1956 and by consider the petitioner's representation dated 23.09.2021.

For Petitioner : Mr.S.Pugalendhi

For Respondent : Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner seeks a direction for the mutation of Patta Nos.1434 and 331 relating to property situated at Sethidal Village, Rajasingamangalam Taluk, Ramanathapuram District in her name as the legal heir of her late brother, Chandrapandiyan.

2.The petitioner states that she and Chandrapandiyan were the children of one Palanivel. The petitioner's brother, Chandrapandiyan, was married to one Chandra. The petitioner's brother passed away on 05.07.2015 and her sister-in-law passed away on 26.05.2021. According to the petitioner, her brother and sister-in-law did not have children. Therefore, upon their death, the petitioner qualifies as a legal heir in terms of the Hindu Succession Act, 1956.



3.In the above facts and circumstances, the petitioner applied for a mutation of the patta standing in the name of Chandrapandiyan to her name. The present writ petition is filed on account of the failure of the respondents to initiate action on the petitioner's application.

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4.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the sole respondent. On instructions, he submits that the petitioner's request for mutation of patta would be considered after the petitioner applies for and obtains a legal heirship certificate.

5.The petitioner has enclosed copies of the pattas issued in the name of her late brother, Chandrapandiyan. The death certificates of Chandrapandiyan and his wife Chandra are also enclosed.

6.However, it needs to be examined as to whether the said Chandrapandiyan and Chandra had children and whether his mother was alive as on the date of his death. If so, the said children and/or the mother would be the class I legal heirs of Chandrapandiyan under the Hindu Succession Act. Such inquiry should be conducted upon the filing of an application by the petitioner for a legal heirship certificate. The request for mutation of patta may be made only after obtaining a legal heirship certificate.

7.Accordingly, W.P.(MD).No.18993 of 2021 is disposed of by permitting the petitioner to submit an application seeking a legal heirship certificate from the respondent. The petitioner is directed to submit such application within two (2) weeks from the date of receipt of a copy of this order. Upon receipt thereof, the respondent is directed to conduct an inquiry and either issue the legal heirship certificate or issue a reasoned order indicating the reasons for refusal. In course of such inquiry, a reasonable opportunity shall be provided to the petitioner and any other legal heirs of the late Chandrapandiyan. In either case, the process shall be completed within a period of two (2) months from the date of receipt of the application seeking the legal heirship certificate. There will be no order as to costs.

Sd/-

Assistant Registrar (A.D.I)

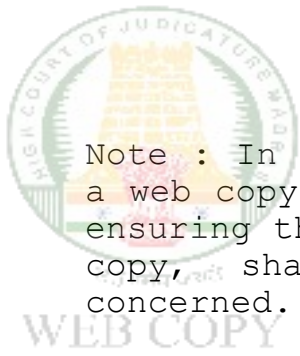
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/ /2021

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

The Tahsildar,
R.S.Mangalam Taluk Office,
R.S.Mangalam,
Ramanathapuram District.

+1 CC to M/s.SPL.GP (SR-32869[F] dated 27/10/2021)

W.P (MD) .No.18993 of 2021
26.10.2021

RD/JC (10.11.2021) 3P 3C