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W.P.No.30730 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30730 of 2022

R.Bharathi

... Petitioner

Vs.

1.The District Revenue Officer,
O/o. The District Revenue Office,
Nagapattinam District.

2.The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Vedharanyam,
Nagapattinam District.

3.The Zonal Deputy Tahsildar,
O/o. Tahsildar Office,
Vedharanyam,
Nagapattinam District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records superscript File No.2022/0103/19/159148 issued by the 3rd respondent dated 13.10.2022 and quash the same and directing the respondents to transfer patta name according to Unregistered Will in respect of the land situated in S.No.294-13B to an extent of 0.07.5 acres of Thanikkottam Village,



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Vedharanyam Taluk, Nagapattinam District on the basis of the petitioner's online representation dated 23.09.2022.

For Petitioner : Mr.R.Rajesh

For Respondents : Mr.U.Bharanidharan
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus, to call for the records superscript File No.2022/0103/19/159148 issued by the 3rd respondent dated 13.10.2022 and quash the same and directing the respondents to transfer patta name according to Unregistered Will in respect of the land situated in S.No.294-13B to an extent of 0.07.5 acres of Thanikkottam Village, Vedharanyam Taluk, Nagapattinam District on the basis of the petitioner's online representation dated 23.09.2022.

2.The case of the petitioner is that the petitioner's father purchased a land in S.No.294-13B situated at Thanikkottam Village, Vedharanyam Taluk, Nagapattinam District, measuring to an extent of 0.075 Acres vide Doc.No.430 of 2002 dated 17.04.2002 on the file of Thakattur Sub-Registrar Office and the Joint



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Patta No.1274 stands in the name of his father along with adjacent land owners.

While so, the petitioner's father made an unregistered Will in favour of the petitioner on 07.01.2016. That being the case, the petitioner made an online application dated 23.09.2022 for transfer of patta in favour of the petitioner to the 3rd respondent, through unregistered document and the said application was rejected on 13.10.2022 on the ground that the petitioner had not produced any valid title to substantiate his claim for grant of patta. Challenging the same, the petitioner has filed the present Writ Petition.

3.Learned counsel for the petitioner submitted that the petitioner made an application for issuance of patta based on the Doc.No.430 of 2002 dated 17.04.2002. However, the said application was rejected on the ground that the petitioner referred to an unregistered Will for title deed and passed the impugned order dated 13.10.2022. Therefore, he prayed for appropriate orders.

4.Learned Additional Government Pleader submitted that the unregistered Will contains the thumb impression, whereas, the Sale Deed contains the signature. He further submitted that if any direction is given by



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this Court, the same will be complied with.

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5.This Court vide its order dated 18.11.2022 directed the respondents to consider the petitioner's representation dated 23.09.2022 and pass appropriate orders on the same. However, the learned Additional Government Pleader rightly pointed out that the unregistered Will contains the thumb impression, whereas, the Sale Deed contains the signature. Therefore, in view of the submission made by the learned Additional Government Pleader, the earlier order passed by this Court dated 18.11.2022 cannot be interfered with. Considering the fact that the petitioner's application has been rejected on 13.10.2022. However, liberty is granted to the petitioner to work out his remedy in the manner known to law. The respondents are directed to furnish a detailed order copy to the petitioner, to enable him to workout the remedy in the manner known to law.

6.This writ petition is accordingly closed. No costs.

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

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- 2.The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
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M.DHANDAPANI,J.
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