



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.8287 of 2021

and

W.M.P.(MD)Nos.16541 & 6272 of 2021

WEB COPY

C.Pounraj

... Petitioner

Vs.

1.The District Collector,
Theni District, Theni.

2.The Tahsildar,
Andipatti Taluk,
Theni District.

3.C.Palraj

4.Deivakani

5.Latchkani

6.C.Chandran

7.C.Muthukumar

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the impugned proceedings 2021/0103/25/055093, dated 17.03.2021 and 2021/0103/25/056392, dated 18.03.2021 on the file of the second respondent and quash the same and to direct the second respondent to restore the original patta standing in the name of the petitioner.

For Petitioner : Mr.S.Mahesh Babu

O R D E R

Heard the learned counsel on either side.

2. The lands in question were purchased by one Chinna Kalyani Thevar and Petchiammal. The revenue records reflected their names. Both of them passed away leaving behind two sons and two daughters. The petitioner is one of the sons. The respondents 6 & 7 purchased 50% share from the respondents 3 to 5 on 25.11.2019 in a registered sale deed. Based on the same, the names of the respondents 6 & 7 have been entered in the revenue records. This is questioned by the petitioner herein.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition.



4. His stand is that even during their life time, his parents executed un-registered Will bequeathing the entire property in his favour. Based on the same, he filed O.S.No.99 of 2019 on the file of the District Munsif Court, Andipatti. The suit was originally filed for the relief of permanent injunction. Subsequently, the suit prayer was amended. Now declaratory relief is sought. It is not in dispute that the petitioner is yet to prove the Will said to have been executed by his parents. The authenticity of the Will is questioned by the petitioner's siblings also. As on date, no reliance can be placed by this Court in these proceedings on the suit Will said to have been executed in favour of the petitioner. The petitioner's name is very much figuring in the revenue records. On the strength of the sale deed executed in favour of R6 & R7, their names have already been included as joint pattadhars. The action of the second respondent cannot be faulted. Of-course, all these transactions will have to necessarily abide by the outcome of O.S.No.99 of 2019 on the file of District Munsif Court, Andipatti. If the petitioner succeeds in proving their Will before the jurisdictional Civil Court, then obviously, these transactions will have to give way.

5. With these observations, the Writ Petition is dismissed. No cost. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Theni District, Theni.

2.The Tahsildar,
Andipatti Taluk,
Theni District.

+1 CC to M/s.T. THIRUMURUGAN, Advocate (SR-25782[F] dated 15/06/2022)

+1 CC to M/s.SPL.GP (SR-26173[F] dated 16/06/2022)

+1 CC to M/s.S. MAHESH BABU, Advocate (SR-26255[F] dated 16/06/2022)

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