



WEB COPY



W.P.No.32912 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2023

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.32912 of 2023

V.Subramani

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Mettur Division, Salem District.

2. The Tahsildar,
Taluk Office, Mettur ,
Salem District.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for records pertaining to the 1st respondent in PAMU5307/ 2022/ A dated 31.08.2023 and quash the same and direct the 1st respondent herein to issue the patta as per the order passed in W.P. No.15082/2020 dated 29.10.2020.

For Petitioner : Mr.M.Tamizavel

For Respondents : Mr.P.Gurunathan



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Additional Government Pleader

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ORDER

The writ petition is filed in the nature of Certiorarified Mandamus, challenging the impugned order passed by the first respondent dated 31.08.2023.

2. It is seen that the petitioner has made an application before the second respondent for transfer of patta in her favour from the original owner. The impugned order was passed rejecting the request of the petitioner by stating that the name transfer in favour of the petitioner properties mentioned in the Will is not probated before the competent Civil Court. Challenging the same, the petitioner has filed the present writ petition seeking writ of Certiorarified Mandamus to quash the impugned order passed by the first respondent.

3. As per the provisions of law, the Will need not be registered and also need not be probated since the rival claimants are not questioning the genuinity of the Will. The Revenue Authority also has no authority to question the same. Therefore, the impugned order passed by the respondent



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is to be set aside and the respondent is directed to conduct an inquiry in the manner known to law and pass orders on merits. If the petitioner is otherwise found eligible, then the respondent is directed to issue patta in her favour. The said exercise shall be completed within a period of two (2) months from the date of receipt of a copy of this Order.

4. With the above directions, the writ petition stands **allowed**.

However, there shall be no order as to costs.

22.11.2023

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)

To

1. The Revenue Divisional Officer,
Mettur Division, Salem District.

2. The Tahsildar,
Taluk Office, Mettur ,
Salem District.



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P.VELMURUGAN. J.,

(sha)

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