



WP(MD)Nos.20842, 20865 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)Nos.20842, 20865 of 2023

V.Viswanathan .. Petitioner in WP(MD)20842/2023

A.Suriyakumar .. Petitioner in WP(MD)20865/2023

v.

The Tahsildar,
Tahsildar Office,
Sivakasi,
Virudhunagar District.

.. Respondent in both WPs

Writ Petitions filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondent to transfer the patta for the properties situated in S.No.287/234 bearing D.Nos.4/8/1193 & 4/8/1192 [New D.No.4/8/1193A], respectively, at Aanaiyur Village, Sivakasi Taluk, Virudhunagar District, in the petitioners name by considering their representations dated 28.03.2023.

For Petitioners : Mr.C.Jeya Prakash

For Respondent : Mrs.D.Farjana Ghoushia,
Special Government Pleader
[In both WPs]



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COMMON ORDER

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The petitioners, based on an unregistered Will, submitted applications for change of patta on 28.03.2023 and filed these writ petitions for a mandamus directing the respondent to consider their applications within a reasonable time.

2.Learned Special Government Pleader, on instructions, submitted that the lands sought to be transferred in the petitioners' name were originally assigned to the petitioners' grandmother in the year 2020. The petitioners' grandmother is no more and she is having four legal heirs. However, the unregistered Will is in favour of two legal heirs alone and therefore, having a doubt with regard to the issue, they have not passed any orders so far.

3.Learned Counsel for the petitioners submitted that there is no rival claim and other legal heirs are not having any objections, as projected by the learned Special Government Pleader.



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4.This Court considered the rival submissions made on either side.

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5.The petitioners have submitted applications in the month of March, 2023, for change of patta, based on an unregistered Will executed by their grandmother on 10.05.2021. But the said applications have not been considered by the respondent so far. Therefore, this Court, without expressing anything on the merits of the petitioners' claim, directs the respondent to conduct an enquiry and take a decision on the petitioners' representations, on merits and in accordance with law, after affording due opportunity of hearing to the petitioners, the other legal heirs and other interested parties, if any, within a period of twelve weeks from the date of receipt of a copy of this order.

Accordingly, both the writ petitions are disposed of. No costs.

Index : Yes / No
NCC : Yes / No
Internet : Yes
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28.08.2023



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B.PUGALENDHI, J.

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To

The Tahsildar,
Tahsildar Office,
Sivakasi,
Virudhunagar District.

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