



WP(MD)No.15881 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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P.Kalyani

... Petitioner

v.

1.The Tahsildar,
Paramakudi Taluk Office,
Paramakudi – 623 707,
Ramanathapuram District.

2.Shanmugam

... Respondents

[R.2 impleaded vide order dated 07.09.2016]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondent to change the patta in the name of the petitioner in respect of the property situated in Door No.4/48, 4/17B, Madurai Road, Ward No.4, Parthibanur Town, Paramakudi Taluk, Manamadurai Subdi, Sivagangai Registration District, by considering the petitioner's representation dated 11.08.2016.



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For Petitioner : Mr.S.Siva Thilakar

For Respondents : Mr.M.Sarangan,
Additional Government Pleader
for R.1

Mr.C.Gangai Amaran for R.2

ORDER

The petitioner, claiming to be a physically challenged woman, has filed this writ petition stating that the property in Door No.4/48, 4/17B, Madurai Road, Ward No.4, Parthibanur Town, Paramakudi Taluk has been bequeathed to her by her father, Palani Kumar Chettiar, by way of a registered Will dated 29.04.2004. While so, the revenue officials have transferred the patta in the name of her brother, Shanmugam / the second respondent herein. Therefore, the petitioner has filed this writ petition for a mandamus directing the first respondent to transfer the patta in her name.

2.Learned Additional Government Pleader, on instructions, submitted that the petitioner, in the strength of a registered Will, has approached the revenue officials and on the other hand, the second respondent has also



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approached the revenue officials with an unregistered Will. Since both the parties are claiming title over the property based on a Will, the officials have changed the patta, which was transferred in the name of the second respondent and the patta now stands in the name of the original owner, Palani Kumar Chettiar.

3.Learned Counsel appearing for the petitioner submitted that the second respondent has already filed a suit for eviction as against this petitioner in O.S.No.67 of 2008 and the same was dismissed on 04.01.2012 by the District Munsif Court, Paramakudi. As against the same, the second respondent has preferred an appeal in A.S.No.41 of 2012 before the Sub Court, Paramakudi and the same was also dismissed on 27.08.2013. Since the civil Court has given a finding in favour of the petitioner, the first respondent ought to have restored the patta in the name of the petitioner.

4.This Court considered the submissions made by the respective parties and also perused the available materials.



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5.The petitioner claims that she is having a registered Will. The suits referred by the petitioner in O.S.No.67 of 2008 and A.S.No.41 of 2012 pertain to eviction application filed by the second respondent, wherein, the title of the parties have not been decided.

6.Under such circumstances, the petitioner is granted liberty to work out her remedy by filing a suit to probate the Will and thereafter, to approach the authorities. Till such time, the patta shall stand in the name of the original owner, Palani Kumar Chettiar.

In the result, this writ petition stands disposed of. No costs.

Index : Yes / No
NCC : Yes / No
gk

22.06.2023

To

The Tahsildar,
Paramakudi Taluk Office,
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B.PUGALENDHI, J.

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