



W.P(MD)No.26150 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 24.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26150 of 2023

and

W.M.P(MD)No.22512 of 2023

Prabhakaran

... Petitioner

Vs.

1.The District Revenue Officer,
Thanjavur District,
Thanjavur.

2.The Revenue Divisional Officer,
Thiruvudaimarudur,
Thanjavur District.

3.The Tahsildar,
Thiruvudaimarudur Taluk,
Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order of the third respondent dated 17.08.2023 and quash the same and consequently direct the respondents



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to issue patta in favour of the petitioner in respect of the property in R.S.No.567/1 of Veppathur - 2 Village, Thiruvudaimarudur Taluk, Thanjavur District.

For Petitioner : Mr.Charles Kamalesh M.Appaji

For Respondents : Mr.C.Sathesh
Government Advocate

ORDER

Heard both sides.

2.The petitioner seeks issuance of patta. The patta stands in the name of one Gopalan. Gopalan is no more. The petitioner claims on the strength of an unregistered Will said to have been executed by Gopalan. When a claimant relies on a Will, it has to be proved in the manner known to law. Of course, if the other legal heirs of the deceased testator accept the genuineness of the Will, then patta can be issued in favour of the writ petitioner.

3.I do not want to interfere with the impugned order. I permit the petitioner to submit a fresh application before the third respondent by



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enclosing the legal heir certificate of the deceased Gopalan. Notice will be issued to the legal heirs of the deceased Gopalan by the third respondent. Enquiry shall be held. If the legal heirs endorse the petitioner's claim or do not dispute the Will, then patta can be issued in favour of the petitioner. If dispute arises regarding the genuineness of the Will, the petitioner has to go before the jurisdictional civil Court for establishing his claim on the strength of the Will. The third respondent will thereafter act as per the decree to be passed by the jurisdictional civil Court.

4.This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

24.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To
1.The District Revenue Officer,
Thanjavur District,
Thanjavur.

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G.R.SWAMINATHAN, J.

MGA

2.The Revenue Divisional Officer,
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