



W.A.No.3417 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE P. DHANABAL

W.A.No.3417 of 2024

and

C.M.P.Nos.26485 & 26609 of 2024

Manikandan

... Appellant

Vs.

Zonal Deputy Tahsildar,
Uthangarai, Krishnagiri District

... Respondent

Prayer : Writ Appeal filed under Clause 15 of Letters Patent against the order dated 03.08.2024 made in W.P.No.23441 of 2024 on the file of this Court.

For Appellant : Mr.T.Arockiadass

For Respondent : Mr.P.Sathish
Additional Government Pleader



WEB COPY



W.A.No.3417 of 2024

J U D G M E N T

(Judgment was delivered by **S.S. SUNDAR, J.**)

This Writ Appeal is directed against the order of the learned Single Judge dated 03.08.2024 in W.P.No.23441 of 2024, dismissing the writ petition filed by the appellant for issuance of a Writ of Certiorarified Mandamus to quash the order passed by the respondent and to consider the application of the petitioner for grant of patta in his favour, based on the Will alleged to have been executed by his Grand father.

2. The facts of the case is that the appellant and his brother are in possession and enjoyment of the suit property measuring an extent of 32 cents in Survey No.80/2 in Nagalpatti Village, Uthangarai Taluk, Krishnagiri District. The above said property bequeathed through a registered Will bearing Doc.No.58 of 1996 dated 09.09.1996 on the file of Sub Registration Office, Uthangarai, executed by their Grand father Mr.Muthu Gonder S/o. Kolandha Gounder. While so, the appellant along with his brother had applied for a joint patta through on-line. The



W.A.No.3417 of 2024

respondent rejected the claim made by the appellant vide order dated 24.06.2024. Challenging the said rejection order, the appellant filed WP No.23442 of 2024 before this Court. Learned Single Judge dismissed the said writ petition on the ground that the revenue records stands in the name of one Govindan, S/o.Muthu Gounder, who happens to be the paternal uncle of the appellant. Aggrieved by the said order passed in the Writ petition, the appellant filed this Writ appeal before this Court.

3. Heard Mr.T.Arockiadass, learned counsel for the appellant and Mr.P.Sathish, learned Additional Government Pleader for respondent and also carefully gone through the materials available on record.

4. The appellant is relying upon the Will executed by his Grand Father by name Muthu Gounder S/o. Kolandha Gounder dated 09.09.1996. It is his case that the property measuring an extent of 32 cents in Survey No.80/2 in Nagalpatti Village, Uthangarai Taluk, Krishnagiri District belongs to him and his brother by virtue of the Registered Will executed by his Grand father and that therefore, they are entitled to joint patta.



W.A.No.3417 of 2024

WEB COPY

5. The learned Single Judge after taking note of the nature of order passed by the respondent, had directed the appellant to challenge the detailed order passed by the respondent dated 28.08.2024, before the Appellate Authority, who is the Revenue Divisional Officer, Krishnagiri, to prove their title over the property.

6. This Court is unable to find any error or illegality in the order of the learned Single Judge, since the patta stands in the name of Appellant's Uncle. It is left open to the appellant to work out his remedy before the appropriate Civil Court, if he is claiming title over the property on the basis of the Will. That apart, the appellant has not even produced any Civil proceedings declaring his title on the basis of the Will. The appellant approached the respondent even without showing that they are only the legal heirs of the original owner. However, if the appellant submits any application showing his title, the appellate authority may consider and dispose of the application, purely on merits. In case, the Will is disputed, the appellate authority can only refer the matter before the Civil Court for



W.A.No.3417 of 2024

deciding the title of the appellant.

WEB COPY

7. With these observations and liberty preserved to the appellant to challenge the detailed order in appeal, this Writ Appeal stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

(S.S.S.R., J.) (P.D.B., J.)
25.11.2024

rka

Internet : Yes

Index : Yes

Neutral Citation : Yes

To

1.Zonal Deputy Tahsildar,
Uthangarai, Krishnagiri District

2.The Revenue Divisional Officer, Krishnagiri,



WEB COPY



W.A.No.3417 of 2024

S.S. SUNDAR, J.
and
P. DHANABAL, J.

rka

W.A.No.3417 of 2024

25.11.2024