



W.P.(MD).No.1731 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2024

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD).No.1731 of 2024

Alaguthai

... Petitioner

vs.

1.The District Collector,
Office of District Collector,
Theni District,
Theni.

2.The Tahsildar,
Office of Tahsildar,
Uthamapalayam Taluk,
Theni District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to direct the 2nd respondent to grant patta for the properties in Survey No.493/1A to an extent of 0.14.50 Arce, Survey No.493/1C to an extent of 0.06.50 Arce, Survey No.493/7 to an extent of 0.06.00 Arce, Survey No.494/1A to an extent of 0.10.00 Arce, Survey No.494/1C to an extent of 0.50.50 Arce, Survey No.495/1 to an extent of 0.14.00 Arce total extent 0.91.50 Arce in Odaipatti Village, Uthamapalayam Taluk, Theni District, by considering the petitioner's petition No.23/2023, dated 25.05.2023, within the period stipulated by this Court.



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For Petitioner :Mr.A.Haja Mohideen
For Respondents :Mr.D.Gandhi Raj
Special Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the 1st respondent to direct the 2nd respondent to grant patta for the properties in Survey No.493/1A to an extent of 0.14.50 Arce, Survey No.493/1C to an extent of 0.06.50 Arce, Survey No.493/7 to an extent of 0.06.00 Arce, Survey No.494/1A to an extent of 0.10.00 Arce, Survey No.494/1C to an extent of 0.50.50 Arce, Survey No.495/1 to an extent of 0.14.00 Arce totally 0.91.50 Arce in Odaipatti Village, Uthamapalayam Taluk, Theni District, by considering the petitioner's petition No.23/2023, dated 25.05.2023.

2. By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.



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3. According to the petitioner, she is the senior citizen aged about 75 years. She and her husband begot three female children and two male children viz., Aasai Thambi and Sekar. The properties in Survey No. 493/1A to an extent of 0.14.50 Arce, Survey No.493/1C to an extent of 0.06.50 Arce, Survey No.493/7 to an extent of 0.06.00 Arce, Survey No. 494/1A to an extent of 0.10.00 Arce, Survey No.494/1C to an extent of 0.50.50 Arce, Survey No.495/1 to an extent of 0.14.00 Arce totally 0.91.50 Arce in Odaipatti Village, Uthamapalayam Taluk, Theni District belonged to her husband through registered sale deeds dated 27.11.1972 and 07.03.1973. While so, her husband died on 04.01.2000. In such circumstances, in respect of his share in the subject property, one of her sons Aasai Thambi executed a registered release deed dated 02.11.2001 in favour of Sekar. Subsequently, her son Sekar along with his wife Uma Maheshwari died on 02.07.2002, in the fire accident, leaving behind their children Priyanka and Hemnath Balaji as their legal heirs. At that time, the children were minors. Hence, the petitioner, her daughters and the above said two children have been in joint possession and enjoyment of the subject property. Her son Aasai Thambi also died on 25.07.2016. For the above said property, the patta stands in the name of the petitioner's



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husband. Hence, she gave a petition dated 25.05.2023 before the second respondent, to change the patta in their names. But the respondents 1 and 2 are evading and avoiding to consider her representation. Hence, the present writ petition has been filed.

4. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2.

5. A perusal of the records shows that the petitioner's husband purchased the properties in Survey Nos.493/1A, 493/1C, 493/7, 494/1A, 494/1C and 495/1 totally 0.91.50 Arce in Odaipatti Village, Uthamapalayam Taluk, Theni District by registered sale deeds dated 27.11.1972 and 07.03.1973. He died on 04.01.2000. After that, the said Aasai Thambi has executed a release deed dated 02.11.2001, in favour of Sekar. The said Sekar and his wife died on 02.07.2002. As per the release deed, all the shares of the said Aasai Thambi have been released in favour of the said Sekar and the said Sekar also died. Hence, the children of the said Sekar are entitled to all the shares. The petitioner's claim for including all the three daughters of her as legal heirs cannot be decided by this Court. If the petitioner and her daughters have any right over the



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property, they have to establish the same before the civil Court. Further, the minor children's interest has to be protected and hence, only after obtaining appropriate orders from the competent civil Court, the authorities can mutate the revenue records.

6. In the result, this Writ Petition is dismissed. No costs.

30.01.2024

akv

To

1.The District Collector,
Office of District Collector,
Theni District,
Theni.

2.The Tahsildar,
Office of Tahsildar,
Uthamapalayam Taluk,
Theni District.



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