



1

W.P.(MD)NO.4326 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 26.02.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4326 of 2024

Ravichandran

... Petitioner

Vs.

1. The District Collector,
Dindigul District,
Dindigul.

2. The Revenue Divisional Officer,
Nilakkottai Taluk,
Dindigul District.

3. The Tahsildar,
Nilakkottai Taluk,
Dindigul District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to cancel the Joint Patta No.2440 and consequently to issue separate Patta to the petitioner's name in respect of the land in S.No.1336/4 to an extent of 1149 Square Feet situated in Ward 13, Judge Somasundaram Street, Vathalagundu Village, Nilakkottai Taluk, Dindigul District based on the petitioner's representation dated on 04.12.2023 within the period that may be stipulated by this Court.



For Petitioner : Mr.G.Chezhiyan

WEB COPY For Respondents : Mr.D.Gandhiraj,
Special Government Pleader.

* * *

ORDER

Heard both sides.

2. It is not in dispute that the property originally belonged to Vellaisamy, father of the petitioner herein. Vellaisamy had passed away. It is claimed by the petitioner that the Will was executed in favour of the petitioner's mother Maruthammal on 21.06.1974(document No.15/1974) on the file of SRO, Vathalagundu. Based on the same, the petitioner's mother executed settlement deed dated 13.03.2012 in favour of the petitioner. The grievance of the petitioner is that the revenue record reflects the joint names of the petitioner and his siblings. According to the petitioner, joint patta should be cancelled and patta should be issued only in his favour.

3. This request of the petitioner cannot be accepted at this stage. It is not known whether the property is an ancestral property or the petitioner's mother's property. The petitioner's mother is grounding her case on the registered Will dated 21.06.1974. Unless the said Will has



been proved in the manner known to law, effecting change in the revenue record would not arise. If the Will is accepted by the other pattadars, then separate patta can be issued. If the other pattadars dispute the genuineness of the Will, then the parties will have to move the jurisdictional civil Court.

4. I therefore direct the third respondent / Tahsildar, Nilakottai Taluk to issue notice to the petitioner, petitioner's mother and other pattadars. If consensus is arrived at among the parties, individual patta shall be issued to the petitioner and the joint patta can be cancelled. If the other parties question the genuineness of the Will, the Tahsildar, Nilakottai will relegate the petitioner to go before the jurisdictional civil Court. Based on the decree to be given by the jurisdictional civil Court, the revenue record will be mutated. This writ petition stands disposed of. No costs.

26.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU



WEB COPY



4

W.P.(MD)NO.4326 OF 2024

G.R.SWAMINATHAN,J.

PMU

To:

1. The District Collector,
Dindigul District,
Dindigul.
2. The Revenue Divisional Officer,
Nilakkottai Taluk,
Dindigul District.
3. The Tahsildar,
Nilakkottai Taluk,
Dindigul District.

W.P.(MD)No.4326 of 2024

26.02.2024