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W.P.No.28472 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2025

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THE HONOURABLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.28472 of 2025

L.R.Jagadeesan

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Petitioner

Vs

1.The Tahsildar,
Kadpadi,
Vellore District.

2. Revenue Divisional Officer,
Kadapadi Division,
Kadpadi, Vellore District.

3. The Secretary,
Department of Revenue and Disaster Management,
Tamil Nadu.

(R3 *Suo Motu* Impleaded Vide Order
Dated 17.09.2025 made in
W.P.No.28472 of 2025)

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Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, call for the records pertaining to the impugned order passed by the first respondent vide ref.No. Na.Ka.B2/948/025, 10.05.2025 and to quash the same, consequently direct



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the first respondent to accept the petitioner's physical copy application/representation dated 29.04.2025 with all relevant documents to transfer name of the patta bearing No 2766 and 1936 to the petitioner's name on the basis of the orders of this Honble court in WP (MD) 22863 of 2019, dated 30.10.2019 and WP No. 14116 of 2025, dated 17.04.2025.

For Petitioner : Mr.V.Arun
for Mr.S.Ambigaidass

For R1 & R2 : Mr.D.Ravichander
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 10.05.2025 passed by the first respondent, thereby rejecting the request made by the petitioner seeking transfer of patta in respect of the subject property.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner is an Overseas Citizen of India and has been issued a certificate of registration under Section 7A of the Citizenship Act, 1955, enabling him to travel India without a visa. The petitioner's father



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owned agricultural land and he had intestate leaving behind one daughter and five sons. The legal heirs entered into a partition deed dated 24.07.1997, which was registered vide Document No.916 of 1997, dated 25.07.1997.

4. Insofar as the share allotted to the petitioner's mother is concerned, she had bequeathed the same in favour of the petitioner by way of a Will dated 13.02.2013. Subsequently, the petitioner's mother died on 18.10.2022. Thereafter, the petitioner submitted a representation seeking transfer of patta from his mother's name to his name. However, the said request was not considered. As such, the petitioner approached the first respondent and he was informed that the transfer of patta cannot be effected based on an unregistered Will and that the application for patta transfer has to be submitted through online. Therefore, the request made by the petitioner was rejected by the impugned order dated 10.05.2025 as per Section 18(e) of the Registration Act 1908. It is pertinent to note that certain documents are not compulsorily registrable under Section 70 of the Registration Act, 1908, and a Will is one such document which does not



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require mandatory registration.

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5. Therefore, when title to a property derived through an unregistered Will, the patta can be transferred in favour of the beneficiary under such Will. Further, the petitioner was unable to submit the application through online, since he is residing in abroad and does not possess an Aadhaar Cards or any other identity document enumerated in G.O.(Ms)478, dated 29.09.2022. In this regard, the Government of India has issued Notification S.O.585(E), wherein it has been stated that the State Government shall ensure that Overseas Citizen of India (OCI) registration booklets are treated as valid identification for availing services. Therefore, the Overseas Citizen of India (OCI) card has to be accepted for any such service.

6. In view of the above, the petitioner is directed to submit a physical application along with the Overseas Citizen of India (OCI) card and other requisite documents for transfer of patta in respect of the property, the title of which has been derived by the petitioner through the



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unregistered Will executed by his mother, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the first respondent is directed to consider the application and pass appropriate orders for transfer of patta in respect of the subject property in favour of the petitioner, on merits and in accordance with law, within a period of four weeks thereafter.

7. With the above direction, this Writ Petition stands disposed of.

No costs.

17.10.2025

Neutral citation : Yes/No

Index: Yes/No

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To

1. The Tahsildar,
Kadpadi,
Vellore District.

2. Revenue Divisional Officer,
Kadapadi Division,
Kadpadi, Vellore District.

G.K.ILANTHIRAIYAN, J.

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3. The Secretary,
Department of Revenue and Disaster Management,
Tamil Nadu.

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