



W.P.(MD)No.378 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2025

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.378 of 2025

and

W.M.P(MD)No.245 of 2025

K.Banumathi

... Petitioner

Vs.

- 1.The District Collector,
Madurai Collectorate Office,Madurai.
- 2.The Commissioner,
Madurai Municipality Corporation, Madurai.
- 3.The Assistant Commissioner,
Madurai City Municipal Corporation,
West Zone,
T.B.Road, Madurai.
- 4.The Divisional Revenue Officer,
Madurai Collectorate Office,
Madurai.
- 5.The Revenue Divisional Officer,
Madurai Collectorate Office,
Madurai.
- 6.The Zonal Deputy Tahsildar,
Madurai West,
Madurai.

7.Thangathai

8.Udhyanithi

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned order in Ref.No.2022/0153/24/007002TR, dated 20.12.2022 issued by 6th Respondent and quash the same as illegal and void in view of the violation of Natural Justice in respect of Town Survey No.1319/1, Ward No.5, Arasaradi Sub Registry, Madurai Town, Madurai South District and restore the Patta in the petitioner's name in respect of the property mentioned above.

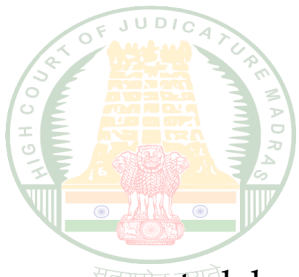
For Petitioner : Mr.K.Muraleedharan
For R1,4-6 : Mrs.S.Jeyapriya
Government Advocate
For R2 & R3 : Mr.S.Vidhyasaghar
For R7 & R8 : Mr.S.Manikandan

ORDER

The petitioner challenges the order of the 6th respondent, dated 20.12.2022 effecting mutation of patta in the name of the 8th respondent, without notice to the petitioner.

2. Heard the learned counsel on either side.

3. The property which is the subject matter of the dispute admittedly belong to one (*)**C.Arumugam**, who died on 17.03.2012 leaving behind his mother, namely the 7th respondent and wife/petitioner as his only class-I legal heirs in terms of Hindu Succession Act, 1956. The grievance of the petitioner is that without any notice to the petitioner, in whose name patta was mutated along with her mother-in-law's name, the 6th respondent has proceeded to remove the name of the petitioner and include the name of the 8th respondent. The said mutation is based on a settlement deed



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executed by the mother of the deceased Kannan, namely, the 7th respondent in
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favour of her grandson-son, who is the 8th respondent.

4. The learned Government Advocate justifies the mutation on the ground that the mutation was effected only based on the registered settlement deed and therefore, there is no infirmity in the action of the 6th respondent.

5. However, I am unable to see how the 6th respondent can even effect mutation in the name of the 8th respondent when patta was admittedly reflecting the name of the writ petitioner being the wife of the deceased (*)C.Arumugam. The proceedings, dated 05.01.2015 clearly reflect the name of the petitioner, her mother-in-law as well as father-in-law. While so, in and by proceedings, dated 20.12.2022, the name of the petitioner has been omitted and the patta reflects only the name of the 8th respondent based on the settlement deed. It is not known how the 7th respondent can become entitled to the entire property and settle the property in favour of the 8th respondent.

6. However, I am not going into the merits of the claims since the matter is already sub judice in O.S.No.328 of 2021 before the District Court, Madurai, where all these issues can be thrashed out by the parties. In so far as the present writ petition is concerned, the petitioner only complains of the mutation of patta in the name of the 8th respondent, without notice to the petitioner. Admittedly, Section 10



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of Patta Passbook Act contemplates an enquiry to be conducted whenever an application is made for mutation or change in entries. Here, there appears to be no such notice served on the petitioner and the official respondents are not in a position to state as to how, without notice to the petitioner, patta was mutated, removing her name and including the name of the 8th respondent. Therefore, on this limited ground, I am inclined to set aside the impugned order, dated 20.12.2022 and remit the matter to the 6th respondent for fresh consideration, who shall pass orders, after affording an opportunity to the petitioner as well as the 7th and 8th respondents. The said exercise shall be completed within a period of eight (8) week from the date of receipt of copy of this order.

7. With the above directions, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

(*)Corrected as per order of this Court dated 17/04/2025 made in WP(MD)No. 378 of 2025

// True Copy //

/ /2025
Sub Assistant Registrar
(CS- I/ II / III / IV)

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+1 CC to M/s.S.VIDHYA SAGAR, Advocate (SR-19679[F] dated 25/03/2025)
+1 CC to M/s.S.MANIKANDAN, Advocate (SR-19431[F] dated 24/03/2025)
+1 CC to M/s.SPL.GP (SR-19968[F] dated 26/03/2025)

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MGJ(5.05.2025) 5P 10C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023