



W.P.(MD) No.1921 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD) No.1921 of 2025

G.Yesudhas

...

Petitioner

-vs-

1 The Tahsildar
Kalkulam,
Kanyakumari District.

2 The Deputy Tahsildar,
Padmanabhapuram A Region,
Kanyakumari District.

...

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the respondents to issue separate patta in favour of the petitioner's daughter, namely, Cheryl Jesudhas, for 25 cents in R.S.No.A2/20/8 of Padmanabhapuram A Village, Kalkulam Taluk, Kanyakumari District (IXth Ward in Padmanabhapuram Municipality), including building in 29/12B and 29/12B1 of Padmanabhapuram Municipality.



W.P.(MD) No.1921 of 2025

WEB COPY

For Petitioner : Mr.S.Xavier Rajini

For Respondents : Mr.A.Kannan,
Addl. Govt. Pleader.

ORDER

The petitioner has filed this Writ Petition for a mandamus, directing the respondents to issue separate patta in favour of the petitioner's daughter, namely, Cheryl Jesudhas, for 25 cents in R.S.No.A2/20/8 of Padmanabhapuram A Village, Kalkulam Taluk, Kanyakumari District (IXth Ward in Padmanabhapuram Municipality), including building in 29/12B and 29/12B1 of Padmanabhapuram Municipality.

2. The subject property originally belonged to the petitioner's wife. The petitioner's wife executed a Will, dated 07.11.2019, bequeathing the said property to her daughter, namely, Cheryl Jesudhas, with a condition that the daughter would be entitled to the same only after the lifetime of the petitioner. As the petitioner's daughter was working abroad, the petitioner applied for change of patta in favour of his daughter on 04.11.2024. However, the respondent Tahsildar refused to issue patta in favour of the petitioner's



W.P.(MD) No.1921 of 2025

WEB COPY

daughter. On enquiry with the officials, the petitioner came to understand that patta was not issued to the petitioner's daughter, because of the condition imposed in the Will that the petitioner's daughter would be entitled to the property only after the lifetime of the petitioner. The petitioner, therefore, submitted representations, dated 25.11.2024 and 30.12.2024, to the respondents, requesting them to issue separate patta in favour of his daughter. As there was no response, the petitioner filed the above writ petition for the aforesaid relief.

3. Learned counsel for the petitioner submitted that the intention of the testator as well as the petitioner was to give the property absolutely to the petitioner's daughter and, therefore, when the petitioner had no objection to the grant of patta in favour of his daughter, the authorities were to issue patta in her favour. In any event, the learned counsel submitted that the respondents should, at least, have issued joint patta in the name of the petitioner and his daughter, if separate patta could not be issued in favour of the petitioner's daughter, because of the life estate given to the petitioner under the Will.

4. It is seen that the petitioner is aged 78 years and his daughter is working abroad. The petitioner's wife executed a Will, dated 07.11.2019, in



W.P.(MD) No.1921 of 2025

WEB COPY

favour of her daughter, giving life estate to the petitioner and, thereafter, bequeathing the property absolutely to her daughter. The petitioner, because of his old age, was desirous of having the patta transferred in his daughter's name, as he had no intention to enter into the subject property and had enough resources to maintain his life with other properties, which he owned. The respondents did not issue separate patta to the petitioner's daughter, because of the condition in the Will that it would operate only after the lifetime of the petitioner. Therefore, without entering the legal issue of the entitlement of the petitioner's daughter for separate patta in her favour as things stand today, in my view, the respondents could very well issue joint patta in favour of the petitioner and his daughter, as the petitioner has no objection to inclusion of his daughter's name in the patta.

5. In view of the above discussion, I direct the respondents to issue joint patta in favour of the petitioner and his daughter for the property to an extent of 25 cents in R.S.No.A2/20/8 of Padmanabhapuram A Village, Kalkulam Taluk, Kanyakumari District (IXth Ward in Padmanabhapuram Municipality), including building in 29/12B and 29/12B1 of Padmanabhapuram Municipality, within a period of eight weeks from the date of receipt of copy of this order.



W.P.(MD) No.1921 of 2025

WEB COPY

6. Writ Petition is disposed of accordingly. No costs.

Consequently, the connected W.M.P.(MD) No.1376 of 2025 is closed.

24.01.2025

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

dixit

To:

- 1 The Tahsildar
Kalkulam,
Kanyakumari District.
- 2 The Deputy Tahsildar,
Padmanabhapuram A Region,
Kanyakumari District.



WEB COPY



W.P.(MD) No.1921 of 2025

N.MALA, J.

dixit

W.P.(MD) No.1921 of 2025

24.01.2025