



W.P.(MD)No.3369 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.02.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.3369 of 2025
and
W.M.P(MD)Nos.2367 & 2368 of 2025

Prabhakaran

... Petitioner

/Vs./

- 1.The District Collector,
Office of the Collectorate Building,
Virudhunagar District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.
- 3.Tahsildar,
Office of the Tahsildar,
Watrap Taluk,
Virudhunagar District.
- 4.Pappuraj
- 5.Shanmugaraj

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Certiorarified Mandamus, to call for the records



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pertaining to the impugned order passed by the third respondent in Koppu No.2024/0105/26/418683 dated 17.12.2024 and quash the same consequently directing the third respondent to issue joint patta by including the petitioner's name and the petitioner's brother's name Jeyasriram in connection with patta bearing No.3051, 2972 and 2031 within time frame as fixed by this Court.

For Petitioner : Mr.D.S.Haroon Rasheed

For R1 to R3 : Mr.B.Saravanan
Additional Government Pleader

ORDER

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

2. I have heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The petitioner has made an application for including his name and his brother name in the existing patta Nos.3031, 2972 and 2031. The said application is based on an unregistered Will bequeathing the subject property in favour of the petitioner and his brother. However,



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the third respondent has rejected the said application on the sole ground that the Will is an unregistered Will and hence, the application cannot not be processed.

4. The learned counsel appearing for the petitioner would submit that the issue has already been dealt with by this Court in W.P(MD)No.22863 of 2019, where, this Court, holding that the registration of the Will is optional and not compulsory and referring to Section 18(e) of the Reistration Act, 1908, set aside a similar order, rejecting the application for patta.

5. In the light of the above and in view of the fact that the Will is not compulsorily registerable, the Will would take effect on the demise of the testator/testatrix de hors the fact that it is registered or not, the legaties/ beneficiaries under the Will would become entitled to stake their claim to their respective bequests in the subject Will. Therefore, the petitioner and his brother are clearly entitled to seek inclusion of their name in the pattas. The rejection of the application is on the sole ground that the Will is unregistered.



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6. In view of the above, the writ petition is allowed and the online application, which has been rejected, shall be reopened and the third respondent Tahsildar shall decide the same on merits and in accordance with law without putting non-registration of the Will against the petitioner. No costs.

7. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

Index : Yes / No
NCC : Yes / No
am

05.02.2025

TO:-

1. The District Collector,
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2. The Revenue Divisional Officer,
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3. Tahsildar,
Office of the Tahsildar,
Watrap Taluk,
Virudhunagar District.



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P.B. BALAJI, J.

am

Order made in
W.P.(MD)No.3369 of 2025

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