



W.P.(MD) No.3992 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.3992 of 2023
and
W.M.P(MD)No.3863 of 2023

Meenal

... Petitioner

vs.

- 1.The District Revenue Officer,
Office of the District Collector,
Madurai District.
- 2.The District Revenue Officer,
District Revenue Office,
Madurai District.
- 3.The Revenue Divisional Officer,
RDO-office-Madurai North Taluk,
Madurai District.
- 4.The Tahsildar,
Madurai North Taluk,
Madurai District.

5.Mohanram

... 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 entire relevant records of the impugned order passed by the third respondent vide Ne.Mu.No. 3916/2022/P, dated 06.01.2023 and consequently set aside the same as illegal and the fourth respondent to issue a joint patta with other legal heirs in the petitioner's deceased father namely, Govindhasamy's own land as one of the legal heir of the deceased in Survey and Ward No.10, Block:137 (Re-survey No. 2708/7E) to an extent of 0.0.302.5 square meter, in North Madurai Taluk, Madurai District based on the petitioner's representation on 02.02.2023 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Senthilkumar

For Respondents : Mrs.K.Malathi
Additional Government Pleader for R1 to R4
Mr.K.Sathishkumar for R5

ORDER

The writ petitioner challenges the impugned order passed by the third respondent rejecting the application of the petitioner to include the petitioner's name in the joint patta.

2.Heard the learned counsel on either side.



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3.I have also gone through the records, including the impugned order. The third respondent has rejected the request of the petitioner on the ground that there is a title dispute. Unfortunately, the third respondent has not understood the scope of the documents relied on by the writ petitioner. The petitioner, admittedly, is one of the Class-I legal heirs of the late Govindhasamy and the grievance of the petitioner was that her brother, the fifth respondent, approached the Tahsildar and obtained a legal heirship certificate omitting the name of the petitioner, admittedly, a daughter. Therefore, the petitioner sought for inclusion of her name in the revenue records and also filed W.P(MD)No.21587 of 2022 before this Court. This Court directed the Revenue Divisional Officer, Madurai, to conduct an enquiry and pass orders on merits, and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of that order. The petitioner only sought for issuance of joint patta in respect of her deceased father's lands..

4.The learned counsel for the fifth respondent, the brother of the writ petitioner, would contend that the petitioner's name was never included in the legal heirship certificate of the father but was only included in the mother's legal heirship certificate and no positive orders were passed by this Court in



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WEB COPY W.P.(MD)No.21587 of 2022 to include the name of the petitioner in the revenue records. He, therefore, seeks for dismissal of the writ petition.

5.The learned Additional Government Pleader would submit that the petitioner has an alternate remedy by way of revision under Section 13 of the Patta Passbook Act, 1983 and therefore, the present writ petition is liable to be dismissed.

6.I have carefully considered the submissions advanced by the learned counsel on either side.

7.I have also gone through the records. With regard to the availability of an alternate remedy, as rightly contended by the learned Additional Government Pleader as well as the learned counsel for the fifth respondent, the impugned order is appealable to the second respondent. However, considering the fact that this Court entertained the writ petition as early as on 27.02.2023, ie., more than two years back and the writ petition has been pending before this Court all along, it would not be proper to relegate the petitioner to avail the statutory remedy under the Act, at this length of time. Therefore, I am unable to countenance the



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arguments of the learned counsel for the respondents that the alternate statutory remedy available to the petitioner by way of revision having not been availed, the present writ petition is liable to be dismissed. With regard to the merits of the claim of the petitioner, admittedly, the fifth respondent does not dispute the status of the petitioner as the daughter of her parents. Merely because the petitioner's name was not included in the legal heirship certificate of the father, but, however, was included in the legal heirship certificate of the mother, which only confirms that the petitioner was a daughter to her parents and the fifth respondent is only the brother of the petitioner. In the absence of any alienation or encumbrance effected by the parents, during their lifetime, by way of settlement or even a Will, the petitioner is certainly entitled to mutate her name along with the other legal heirs. Therefore, the petitioner's request for including her name in the joint patta was certainly maintainable. However, the third respondent in and by the impugned order, placing reliance on a non-existing title dispute, has rejected the petitioner's request for mutation of patta by only including her name. The said order of the third respondent is therefore unsustainable and is liable to be rejected.



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WEB COPY 8. In view of the above, this Writ Petition is allowed and the impugned order dated 06.01.2023 in Ne.Mu.No.3916/2022/P, passed by the third respondent is set aside. The third respondent is directed to include the name of the petitioner in the joint patta along with the other pattadhars, whose names are already found in the patta. The said exercise shall be carried out within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

11.03.2025

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NCC: Yes/No

Index : Yes / No

Internet : Yes / No

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4.The Tahsildar,
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P.B.BALAJI, J.

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