



W.P.(MD)No.6726 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.02.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.6726 of 2023

M.S.Mohanram

... Petitioner

/Vs./

1. The Tahsildar,
Madurai East Taluk,
Madurai District.

2. M.S.Srinivasan

... Respondents

*(R2 impleaded vide court order dated
20.02.2025 in WMP(MD).No.7975 of 2023 by PBBJ)*

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to issue patta to the petitioner in respect of his property in S.No.165/3, 138/4B, 99/4A, 98/3, 50/1, 74/2 & 71/3 situated at Uthangudi Village, Madurai East Taluk, Madurai District by considering the petitioner's representation dated 27.10.201 and 27.05.2022.

For Petitioner : N.Sathish Babu

For Respondent-1 : Mr.M.Lingadurai
Special Government Pleader



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ORDER

The petitioner seeks issuance of Writ of Mandamus to direct the respondents to issue patta in respect of property which has been bequeathed to him by way of WILL dated 30.11.2018, executed by his father Late.M.B.Seshaian.

2. The impleaded third respondent is the brother of the petitioner who filed a suit for partition of the estate of the Late.M.B.Seshaian. However, the said suit has dismissed and the appeal preferred by the third respondent in A.S.No.36 of 2006 was also dismissed on 13.10.2022.

3. According to the learned Counsel appearing for the writ petitioner, the matter was attained its finality and the appeal was also dismissed.

4. It is also brought to my notice by the Special Government Pleader that the petitioner himself has filed probate petition for adjudicating the WILL of his father and therefore at this juncture it may not be appropriate for seeking mutation of records.



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5. Considering the fact that the rival claim by the brother/third respondent by way of partition suit came to be dismissed and the appeal was also dismissed, the pendency of a probate petition filed by the petitioner may not come in the way of mutation of revenue records. A WILL takes effect immediately on the demise of the mother.

6. In view of the above, the petitioner's application for mutation of patta in his name looked into by the first respondent, who after affording opportunity by way of personal hearing to the writ petitioner as well as the second respondent shall pass final orders within a period of eight weeks from the date of receipt of a copy of this order.

Index : Yes / No
NCC : Yes / No
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20.02.2025
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P.B. BALAJI, J.

gvn

TO:-

The Tahsildar,
Madurai East Taluk,
Madurai District.

Order made in
W.P.(MD)No.6726 of 2023

Dated:
20.02.2025
(1/2)