



W.P.(MD)No.12692 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.12692 of 2025

R.Vijayaganth

... Petitioner

Vs.

1.The District Collector,
Office of the Collector,
Dindigul District.

2.The Tahsildar,
Nilakottai Taluka Office,
Nilakottai Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to direct the second respondent to remove the petitioner's grandfather female heirs namely 1.Vasantha 2.Jeyalakshmi 3.Premavathy 4.Tamilselvi 5.Banumathi in the joint patta in Patta No.774 in Survey Nos.146/1, 146/2, 146/3, 146/4, 146/5, 146/6, 146/7, 146/8, 146/9, 147/1 in view of the decree and judgment in O.S.No.25 of 2011 dated 22.11.2012 on the file of Additional District Court, Dindigul, by considering the petitioner's representation dated 12.04.2025.



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For Petitioner : Mr.S.Atham Ali
For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

2. The petitioner, based on the judgment and decree in O.S.No.25 of 2011 dated 22.11.2012 on the file of Additional District Court, Dindigul, has sought for removing the names of the female heirs of the petitioner's grandfather. It is the contention of the learned counsel for the petitioner that the female heirs, namely Vasantha and others have filed a suit in O.S.No.25 of 2011 seeking partition and separate possession in the subject lands. However, the said suit has been dismissed holding that the said female heirs have no right in the subject lands in and by judgment and decree, dated 22.11.2012 on the file of the Additional District Judge, Dindigul.

3. According to the learned counsel for the petitioner, no further appeal has been filed therefrom and the judgment and decree of the Additional District



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Judge has become final. The petitioner has made a representation on 12.04.2025

seeking removal of the said names of the female heirs.

4. In view of the fact that the joint patta includes the names of the female heirs, namely Vasantha and four others and now that the competent Civil Court has declared that they have no rights in the subject lands, has necessitated the petitioner to seek for removing their names.

5. The learned Government Advocate would submit that the authority competent to decide the matter is the Revenue Divisional Officer, Nilakottai and not the Tahsildar as prayed for by the petitioner.

6. However, under Section 10 of the Patta Passbook Act, the Tahsildar is competent to effect patta transfer even in the event of any change in circumstances. Therefore, the present case would squarely fall within “change of circumstances”. Therefore, the writ petition is disposed of, directing the 2nd respondent to consider the petitioner's representation, dated 12.04.2025, taking into account the judgment and decree in O.S.No.25 of 2011, dated 22.11.2012 and pass orders, within a period of eight (8) weeks from the date of receipt of copy of this order.



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WEB COPY 7. With the above directions, this Writ Petition stands disposed of. No costs.

29.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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To:

- 1.The District Collector,
Office of the Collector,
Dindigul District.
- 2.The Tahsildar,
Nilakottai Taluka Office,
Nilakottai Taluk,
Dindigul District.



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P.B.BALAJI, J.

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