



W.P.(MD)No.14471 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.02.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.14471 of 2023

and

W.M.P.(MD).No.12273 of 2023

M.Sabitha

... Petitioner

/Vs./

1. The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

2. The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.

3. The Thasildar,
Sivakasi Taluk,
Virudhunagar District.

4. The Regional Deputy Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order made in Koppu No.



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2023/0103/26/193840 passed by the fourth respondent dated 07.06.2023 and quash the same and consequently direct the respondent No.3 to transfer the patta bearing No.1190 in favour of the petitioner.

For Petitioner : P.R.Prithiviraj

For Respondents : Mr.B.Saravanan,
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned proceedings of the fourth respondent dated 07.06.2023, wherein, rejected the petitioner's application for mutation of patta based on the unregistered WILL.

2. The only reason for rejection of the petitioner's request for mutation of patta in his name was that, the WILL under which the petitioner claiming his right was an unregistered WILL. The WILL is not a document, which is compulsorily registrable under the provisions of Indian Registration Act, including various state amendments brought about in the State of Tamilnadu.



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3. The reason for rejecting the request of the petitioner is unsustainable and the impugned order dated 07.06.2023 is set aside and the matter is remitted to the file of the fourth respondent. The fourth respondent shall conduct an enquiry, after affording opportunity by way of personal hearing to the petitioner and other legalheirs, who may be entitled to a share in the property, in the absence of any WILL and pass orders on merits and in accordance with law. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

4. With the above said observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No

NCC : Yes / No

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P.B. BALAJI, J.

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TO:-

1. The District Revenue Officer,
Virudhunagar District,
Virudhunagar.
2. The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.
3. The Thasildar,
Sivakasi Taluk,
Virudhunagar District.
4. The Regional Deputy Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

Order made in
W.P.(MD)No.14471 of 2023

Dated:
20.02.2025