



W.P(MD)No.15881 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2025

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Writ Petition(MD)No.15881 of 2025

Shivagami Sundari

..Petitioner

Vs

The Tahsildar
Kovilpatti Taluk,
Tuticorin District.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the impugned order in Na.Ka.A2/8492/2024 dated 20.02.2025 on the file of the respondent and quash the same and further direct the respondent to issue patta in favour of the petitioner in respect of the property bearing Survey Nos.513/21, 513/2B6 and 513/2G situated at Iluppaiyurani Village, Kovilpatti Taluk, Thoothukudi District.

For Petitioner : Mr.Selva Adithya
for Mr.G.Prabhu Rajadurai

For Respondent : Mr.A.Baskaran
Additional Government Pleader



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ORDER

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The petitioner herein filed this writ petition challenging the order passed by the respondent rejecting the request of the petitioner seeking issuance of patta in respect of the property comprised in Survey Nos. 513/21, 513/2B6 and 513/2G situated at Iluppaiyurani Village, Kovilpatti Taluk, Thoothukudi District.

2.Heard Mr.Selva Adithya, learned counsel for the petitioner, and Mr.A.Baskaran, learned Additional Government Pleader, who took notice for the respondent. By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

3.According to the petitioner, the above-said property was assigned in favour of her father, K.R.Ayyappan, by the Government on 13.07.1977. The petitioner's father executed a "Will" dated 21.07.1989, bequeathing his assigned property in favour of her daughter, the petitioner's sister, by name, Jeyamangala Sundari. The petitioner's father died on 19.03.2001. It is not in dispute that the said Jeyamangala Sundari did not marry and died on 10.02.2017. Therefore, as of today, the petitioner is the class II legal heir of the beneficiary under the "Will." The petitioner has also produced a legal heir certificate issued by the respondent certifying that the petitioner is the sole legal heir of the deceased beneficiary under the "Will." Therefore, the



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petitioner submitted an application before the respondent, seeking issuance of patta in her favour in respect of the assigned property. The said application was rejected by the respondent on the ground that the subject property was classified as “Government Poramboke Land” in the revenue records. Aggrieved by the said order, the petitioner has come forward with this writ petition.

4. It is seen from the typed set of papers that the subject property was assigned in favour of the petitioner's father, K.R.Ayyappan, and he bequeathed the said property in favour of one of his daughters, viz., the petitioner's sister, under a registered “Will.” The petitioner's father and her sister, the beneficiary under the Will, are no more. The petitioner, in her capacity as a class II legal heir, is entitled to the estate of the deceased beneficiary of the “Will.” Therefore, there is no impediment in coming to the conclusion that the petitioner is the person entitled to the property, which was assigned in favour of her father. However, it is seen from the document produced in the typed set of papers that after the assignment order, no “F” patta had been issued in favour of the petitioner's father, who is the original assignee. Therefore, it is for the petitioner to make an appropriate application seeking issuance of an “F” patta in her capacity as a legal heir of the beneficiary under the “Will” executed by his father. The Tahsildar, in the impugned order, after observing that the petitioner is the sole legal heir to the beneficiary under the “Will,” rejected her claim only on the ground that



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the revenue record stands in the name of the Government. Since the “F” patta has not been issued in favour of the original assignee, the property is still retained in the name of the Government in the revenue records, which will not affect the right of the petitioner to obtain the “F” patta in her capacity as a class II legal heir of the beneficiary of the “Will” executed by her father. Therefore, the petitioner is directed to file a fresh application for issuance of an “F” patta. It is made clear that the impugned order passed by the respondent will not come in the way of considering the request of the petitioner for issuance of an “F” patta. The respondent shall consider the application of the petitioner for issuance of an “F” patta and pass orders on its own merits within a period of six weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition stands disposed of. No costs.

12.06.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
skn

The Tahsildar
Kovilpatti Taluk,
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S.SOUNTHAR, J.

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