



W.P.(MD) No.17089 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.(MD) No.17089 of 2025

KS.Muthu Singappa Raja

... Petitioner

Vs.

1.The Tahsildar,
Sivagiri Taluk,
Sivagiri, Tenkasi District.

2.The Surveyor,
Sivagiri Taluk,
Sivagiri, Tenkasi District.

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the first respondent to conduct a sub-division in S.No.544/3E1A (Joint Patta No.2041) of Viswanathaperi Village part-2, Sivagiri Taluk, Tenkasi District and issue separate Patta in his name and in his wife's name, namely K.M.Prasannaraja for the property to an extend of 2 acre 10 cents by taking account of his son late.Vishal Rengasamy Raja's sale deed in Doc.No.135 of 2007, dated 21.01.2007 on the file of the Sub Registrar, Sivagiri as well as his legal heirs certificate, dated 06.10.2017 and based



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on his representation, dated 24.03.2025 submitted to the first respondent within the time limit that may be fixed by this Court.

For Petitioner : Mr.M.Mohanasundaram

For Respondents : Mrs.S.Jeya Priya,
Government Advocate.

ORDER

The petitioner herein seeks a direction to the first respondent to sub divide the property in S.No.544/3E1A, Viswanathaperi Village Part-2, Sivagiri Taluk, Tenkasi District and issue separate Patta in his name and in his wife name by taking into consideration the sale deed, dated 21.01.2007 in the name of the petitioner's deceased son Vishal Rengasamy Raja and the legal heir certificate, dated 06.10.2017 by considering his representation, dated 24.03.2025.

2.Heard the arguments of Mr.M.Mohanasundaram, learned counsel appearing for the petitioner and Mrs.S.Jeya Priya, learned Government Advocate appearing for the respondents.

3.It is the case of the petitioner that 2 acres and 10 cents of land in the above mentioned survey number was purchased in the name of his



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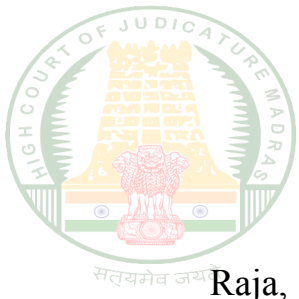
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minor son Late.Vishal Rengasamy Raja, under a sale deed, dated 21.01.2007. He died on 20.09.2017. The legal heir certificate issued by the first respondent mentions the name of both parents viz., the petitioner and his wife Prasannaraja. Thereafter, the names of the petitioner and his wife were included in the joint patta for the subject property in Patta No.2041.

4. Now the petitioner submitted instant representation seeking issuance of separate patta for the subject property in the name of the petitioner and his wife. The same has not been considered. Hence, he has come before this Court with the above prayer.

5.The learned Government Advocate appearing for the respondents would submit that the representation submitted by the petitioner will be considered, if proper on-line application is filed seeking issuance of separate patta.

6. A perusal of the sale deed, dated 21.01.2007 would indicate that the property was purchased in the name of Minor.Vishal Rengasamy



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Raja, represented by the petitioner in his capacity as guardian. The petitioner's son died as a bachelor. Therefore, under Section 8 of Hindu Succession Act r/w Clause-I of the schedule enactment, if the deceased is unmarried, the property will go to the mother of the deceased as she is being the only Clause-I heir alive. The petitioner herein is only a Clause-II heir. As per Section 8 (b) of Hindu Succession Act, the Clause-II heirs are entitled to succeed to the estate of the deceased only in the absence of Clause-I heir. Admittedly in the case on hand, the deceased person's mother namely the wife of the petitioner is alive. Therefore, the petitioner is not entitled to succeed to the estate of the deceased.

7. In such circumstances, though the legal heirship certificate is issued by the revenue officials in the name of both the parents, the petitioner is not entitled to get the mutation in his favour. The revenue records shall be mutated only in favour of the deceased person's mother namely the wife of the petitioner. Now, it is stated by the learned Government Advocate appearing for the respondents that no on-line application has been filed by the petitioner for issuance of separate patta.



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8. In these circumstances, the petitioner is directed to file proper on-line application in the name of his wife and produce the same before the first respondent within a period of two weeks from the date of receipt of copy of this order. On receipt of proper on-line application, the first respondent shall consider the same and pass final orders on its own merits in the light of the observation made by this Court in this order within further period of four weeks.

9. With the above directions, this Writ Petition is disposed of.

No costs.

27.06.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
das

To

1. The Tahsildar,
Sivagiri Taluk,
Sivagiri, Tenkasi District.

2. The Surveyor,
Sivagiri Taluk,
Sivagiri, Tenkasi District.



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S.SOUNTHAR,J.

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