



W.P(MD)NO.17161 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :25.06.2025

CORAM:

THE HON'BLE MR JUSTICE S.SOUNTHAR

W.P(MD)No.17161 of 2025

Radharukmani

... Petitioner

.Vs.

The Zonal Deputy Tahsildar,
Srivilliputhur Taluk,
Virudhunagar District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in Koppu NO. 2025/0103/26/288865, dated 22.5.2025 passed by the respondent and to quash the same as arbitrary and consequently direct the respondent to transfer the patta No.1349 in favour of the Petitioner in respect of properties comprised in Ayan Survey No.510/3 ad-measuring 0.33.50 hectares, survey No.511/3 ad-measuring 0.38.0 hectares and S.No.511/2 ad-measuring 0.03.50 hectares of Ayan Natchiyarkovil Village based on the Petitioner's patta transfer application, dated 22.5.2025.



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For Petitioner : Mr.R.Ponkarthikeyan

For Respondent : Mr.A.Baskaran
Addl.Govt. Pleader

ORDER

The Writ Petition is filed challenging the order passed by the first respondent rejecting the request of the Petitioner for transfer of patta mainly on the ground that the document relied on by the Petitioner namely, Will executed by the original owner was an unregistered one.

2.Mr.A.Baskaran, learned Additional Government Pleader takes notice for the respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The learned counsel for the Petitioner would submit that registration of the Will is optional under Section 18(e) and therefore, the respondent had committed a grave error in rejecting the request of the Petitioner on the ground that Will was unregistered one.

4.The learned Additional Government Pleader appearing for the



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respondent would submit that since the respondent raised doubt with regard to the genuineness of the unregistered Will, the impugned order has been passed.

5.It is settled law that in case of Will, the registration is only optional. The non registration of testamentary document will not affect its validity. Therefore the impugned order passed by the respondent rejecting the request made by the Petitioner for issuance of patta on the ground that the document relied on by the Petitioner was an unregistered one, is untenable in law. Therefore the impugned order is liable to be set aside.

6.It is also seen that the testator Avudaiyappan has got eight legal heirs and all the legal heirs are allegedly executed a consent letter in favour of the Petitioner accepting the Will executed by Avudaiyappan. In such circumstances, the respondent ought not have rejected the request of Petitioner without hearing legal heirs of testator.

7.In view of the above discussion, the impugned order passed by



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the respondent, dated 22.5.2025 is set aside and the matter is remitted back to his file with a direction to him to conduct an enquiry by issuing notice to the Petitioner and other legal heirs of Avudaiyappan and pass final orders on the request of the Petitioner within a period of 12 weeks from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition stands disposed of.

No costs.

25.06.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn

To

The Zonal Deputy Tahsildar,
Srivilliputhur Taluk,
Virudhunagar District.



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S.SOUNTHAR.,J.

vsn

ORDER MADE IN

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25.06.2025