



W.P(MD)NO.18082 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 03.07.2025

CORAM:

THE HON'BLE MR JUSTICE S.SOUNTHAR

W.P(MD)No.18082 of 2025

P.Ramasamy

... Petitioner

.Vs.

1.The District Collector,
Office of the District Collectorate,
Thoothukudi District.

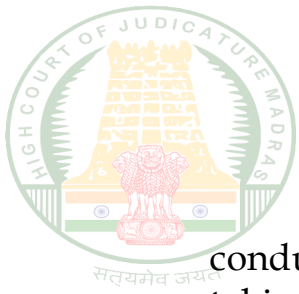
2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Vilathikulam Taluk,
Thoothukudi District.

3.The Tahsildar,
Office of the Tahsildar,
Vilathikulam Taluk,
Thoothukudi District.

4.P.Balasekar

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the Petitioner's application, dated 22.6.2024, for cancellation of patta in Patta No. 2134 and 2144 mutated in favour of the fourth respondent by



W.P(MD)NO.18082 of 2025

conducting enquiry and grant patta in favour of the Petitioner by taking into account of the Will executed in favour of the Petitioner vide Document No.28 of 2021, dated 23.7.2021.

For Petitioner : Mr.S.Balaji Nivas

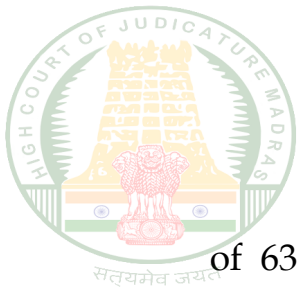
For Respondents : M/s.K.Malathi
1 to 3 Addl.Govt. Pleader

ORDER

The Writ Petition is filed seeking a direction to the respondents 1 to 3 to consider his application, dated 22.6.2024 seeking cancellation of patta in patta Nos.2134 and 2144 issued in the name of fourth respondent by taking into consideration the 'Will' executed by the Petitioner's father 22.7.1994.

2.Mrs.K.Malathi, 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. Since no adverse order is passed against fourth respondent, notice to him is dispensed with.

3.According to the Petitioner, the properties in S.No.170/3A measuring an extent of 1 acre and 28 cents, S.No.170/4 measuring an extent of 61 cents, S.No.178/6D measuring an extent of 96 cents, S.NO.178/7 measuring an extent of 70 cents, S.No.134/3B, measuring an extent of 74 cents, S.No.178/6B measuring an extent

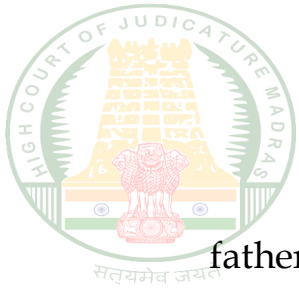


W.P(MD)NO.18082 of 2025

WEB COPY

of 63 cents, and S.No.174/3, measuring an extent of 73 cents situated at Boothalapuram Village, Vilathikulam Taluk, Thoothukudi District originally belong to the petitioner's father Paulraj. He executed a Will, dated 23.7.2021 bequeathing the subject properties in favour of the Petitioner. Therefore according to him, he is the absolute owner of the subject properties. It is further submitted that the fourth respondent moved the revenue officials and obtained patta for the subject properties in Patta Nos. 2134 and 2144. Aggrieved by the same, the Petitioner submitted a representation before the second respondent on 22.06.2024 seeking cancellation of the patta issued in the name of the fourth respondent. The second respondent vide his proceedings in Oo.Mu.A2/5848/2024, dated 15.7.2024 directed the third respondent Tahsildar to file a report. In the meantime, the fourth respondent filed a suit in O.S.No.36 of 2024 seeking declaration that the Will executed by Petitioner's father as null and void. Since the suit is pending, there is no progress in the appeal filed by the Petitioner before the second respondent. Hence the Petitioner has come before this Court with the present Writ Petition for the relief stated supra.

4.The fourth respondent filed a civil suit in O.S.No.36 of 2024 seeking declaration that the Will executed by the Petitioner's



W.P(MD)NO.18082 of 2025

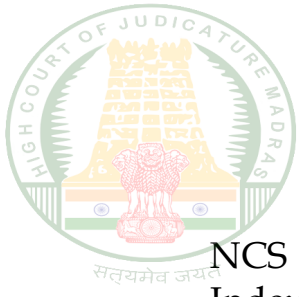
WEB COPY

father is only a void document and the validity of the Will shall be decided in the said suit. The Petitioner is one of the legal heirs of the testator and hence, de-hors the Will, he is also entitled to share in the property. In such circumstances, this Court is unable to understand as to how the patta was issued exclusively in the name of fourth respondent. Therefore, there cannot be any impediment for the second respondent to consider the appeal filed by the Petitioner seeking cancellation of the patta issued in the name of fourth respondent.

5. Therefore the second respondent is directed to consider the appeal filed by the Petitioner, dated 22.6.2024 seeking cancellation of patta issued in favour of fourth respondent and pass final orders on its own merits without being influenced by anything said in this order, after affording reasonable opportunity to the Petitioner, fourth respondent and other legal heirs of Paulraj, if any, within a period of 12 weeks from the date of receipt of a copy of this order.

6. with the above directions, the Writ Petition stands disposed of. No costs.

03.07.2025



W.P(MD)NO.18082 of 2025

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

vsn

To

- 1.The District Collector,
Office of the District Collectorate,
Thoothukudi District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Vilathikulam Taluk,
Thoothukudi District.
- 3.The Tahsildar,
Office of the Tahsildar,
Vilathikulam Taluk,
Thoothukudi District.



WEB COPY



W.P(MD)NO.18082 of 2025

S.SOUNTHAR.,J.

vsn

ORDER MADE IN

W.P(MD)No.18082 of 2025



WEB COPY



W.P(MD)NO.18082 of 2025

03.07.2025