



W.P.(MD) No.23402 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.23402 of 2024

Lakshmi ... Petitioner

Vs

1 The District Collector,
Office of the District Collector,
Dindigul,
Dindigul District.

2 The Tahsildhar,
West Taluk Office,
Dindigul,
Dindigul District.

3 Mariappan ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records relating to the order, dated 27.08.2024, vide Na.Ka.No. 2325/2024/A2, and quash the same and thereby direct the 2nd respondent to join the name of the petitioner in Patta No. 642, 1086, and 1446 of Sullerumpu Village, Dindigul West Taluk, Dindigul District.



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For Petitioner : Mr.B.Rajesh Saravanan

For Respondents 1 & 2 : Mr.B.Saravanan,
Addl. Govt. Pleader.

For Respondent 3 : Mr.S.Kishore Kumar

ORDER

This Writ Petition is filed, seeking issuance of writ of certiorarified mandamus, to quash the order, dated 27.08.2024, passed by the second respondent, in Na.Ka.No.2325/2024/A2, and consequently direct the second respondent to include the name of the petitioner in Patta No. 642, 1086, and 1446 of Sullerumpu Village, Dindigul West Taluk, Dindigul District.

2. I have heard the learned counsel for the petitioner, the official respondents, and also the third respondent.

3. Admittedly, the petitioner is the sister of the third respondent and the subject lands belonged to their father Perumalsamy. It is the case of the petitioner that her father died intestate and, therefore, her name also should be included in the pattas, as half owner of the properties, along with her brother.

4. Per contra, learned counsel for the third respondent would submit that his father executed a Will in favour of the third respondent and,



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based on the said Will, mutation has been effected in his name and that the petitioner has no right in the estate of his father.

5. It is brought to my notice that the petitioner has filed a suit in O.S.No.321 of 2024 on the file of Sub-Court, Dindigul, for partition and separate possession of various properties, including the properties, which are the subject matter of the patta proceedings, impugned in the present Writ Petition.

6. The truth and genuineness of the Will put forth by the third respondent can only be decided, after the parties lead evidence before the Civil Court in O.S.No.321 of 2024. Equally, the entitlement of daughter/plaintiff in the suit will also be decided, only after testing the claim of the brother, under the Will of the father.

7. Under the circumstances, at this juncture, it is premature to direct the official respondents to include the name of the petitioner in the revenue records. The apprehension of the petitioner is that based on the pattas mutated in favour of the third respondent, the third respondent is attempting to alienate the properties. If at all there is any such apprehension, the petitioner can very well move an interlocutory application and seek interim relief in the pending suit and no direction can be issued in the instant Writ Petition.



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8. Writ Petition is, accordingly, disposed of, making it clear that the request of the petitioner for including her name in the pattas in question, shall be subject to final outcome of the suit. No costs. Consequently, the connected W.M.P.(MD) Nos.19806 and 19807 of 2024 are closed.

04.02.2025

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

dixit

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P.B.BALAJI, J.

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