



W.P(MD)NO.23558 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.08.2025

CORAM:

THE HON'BLE MR JUSTICE S.SOUNTHAR

W.P(MD)No.23558 of 2025

C.J.Russell

... Petitioner

.Vs.

The Tahsildar,
Thirumangalam Taluk,
Madurai 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.2025/0153/24/006124, dated 22.8.2025 pssed by the respondent and quash the same as arbitrary and consequently direct the respondent to mutate the revenue records in respect of T.S.Nos.3 and 4, Block NO.13, Mohamedshapuram Ist Street, Ward A, Sengulam, Thirumangalam Town, Thirumangalam Taluk, Madurai District based on the Petitioner's patta transfer application , dated 25.6.2025.

For Petitioner : Mr.R.Ponkarthikeyan

For Respondent : Mrs.S.Jeya Priya
Govt.Advocate

ORDER



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WEB COPY The Writ Petition is filed challenging the order passed by the respondent rejecting the patta transfer application of the Petitioner on the ground that the Will relied on by the Petitioner was an unregistered one.

2.Mrs.S.Jeya Priya, learned Government Advocate 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 subject property originally belong to one David Rajabalan. According to the Petitioner, he executed an unregistered Will on 5.1.2019 bequeathing the subject property in favour of Petitioner. The testator died on 20.11.2019. The mother of the testator died as early as on 19.05.2019. It is also stated that David Rajabalan died as a bachelor. After the death of testator, the Petitioner submitted an application before the respondent on 25.6.2025 seeking mutation of revenue records and the same has been rejected on the ground that the Will relied on by the Petitioner was an unregistered one. Aggrieved by the same, the Petitioner has come before this Court with the present Writ Petition for the relief stated supra.



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4.The learned counsel for the Petitioner would submit that the impugned order was passed without issuing any notice to the Petitioner and therefore, it is liable to be set aside. The learned counsel would further submit that the reason given for rejecting the Will is also untenable in law.

5.As far as testamentary document is concerned, registration of the document is optional under 18(e) of the Tamil Nadu Registration Act and therefore the reason given by the respondent for rejecting the Petitioner's request is untenable in law.

6.Mrs.S.Jeya Priya, learned Government Advocate who takes notice for the respondent, on instruction, would submit that the impugned order was passed without affording reasonable opportunity to the Petitioner.

7.In view of the above submission made by the learned Government Advocate appearing for the respondent, on the principle of violation of natural justice principles also, the impugned order is liable to be set aside.

8.Accordingly, the Writ Petition is allowed and the impugned order passed by the respondent is set aside and the



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matter is remitted back to his file with a direction to consider the application of the Petitioner, dated 25.6.2025 afresh, in the light of the observation made by this Court in this Writ Petition and pass final orders within a period of 12 weeks from the date of receipt of a copy of this order. It is needless to mention that before passing order afresh, the respondent shall issue notice to the legal heirs of David Rajabalan, if any. No costs.

29.08.2025

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

To
The Tahsildar,
Thirumangalam Taluk,
Madurai District.

S.SOUNTHAR.,J.

vsn



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ORDER MADE IN

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22.08.2025