



W.P.(MD)No.34840 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :01.12.2025

CORAM

THE HONOURABLE MR.JUSTICE K.SURENDER

W.P.(MD)No.34840 of 2025

Mahisha

Rep. by her maternal aunt
and Legal Guardian
S.Rama

... Petitioner(s)

Vs.

1. The District Collector,
Madurai District,
Madurai.

2. The District Revenue Officer,
Madurai District,
Madurai.

3. The Revenue Divisional Officer,
Madurai North,
Madurai.

4. The Tahsildar,
Madurai East Taluk,
Virattipatthu,
Madurai - 625 016.

5. The Deputy Tahsildar,
Madurai East Taluk,
Virattipatthu,
Madurai - 625 016.

6. Valanaadu

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 4th Respondent to remove the name of 6th Respondent in patta No.1127 for the property situated at Plot No.9, Ayesha garden comprised in R.S.No.64/3, Rajakambeeram Village, Madurai North Taluk, Thamarapatti Sub Registration District, Madurai District by considering the representation dated 25.10.2025.

For Petitioners :Mr.K.Shanmuga Sundaram

For Respondents :Mr.D.Sadiq Raja
Addl. Government Pleader for R1 to R5

ORDER

This writ petition is filed seeking a direction to the fourth respondent to remove the name of sixth respondent in Patta No.1127 for the property situated at Plot No.9, Ayesha garden comprised in R.S.No. 64/3, Rajakambeeram Village, Madurai North Taluk, Thamarapatti Sub-Registration District, Madurai District, by considering the representation of the petitioner dated 25.10.2025.

2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself. Having regard to the nature of the order proposed to be



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passed in this writ petition, notice to the sixth respondent is dispensed with.

3. The petitioner is a minor represented by her maternal aunt. The case of the petitioner is that the mother of the petitioner owned the land and building in question. She passed away on 05.05.2014. Thereafter, the father of the petitioner obtained a legal heirship certificate and applied for patta. Based on the said legal heir certificate, patta was issued jointly in the names of the petitioner and her father on 15.04.2015.

4. Prior to the request for patta, a civil suit had been filed wherein the petitioner, represented by her grandfather, sought a mandatory injunction on the basis of a Will dated 11.04.2014 executed by the petitioner's mother in her favour. According to the learned counsel for the petitioner, the said Will bequeathed the entire property to the petitioner and therefore, the father of the petitioner had no right over the property. It is further submitted that the father obtained the patta despite having knowledge of the Will dated 11.04.2014. In such circumstances, the petitioner seeks the indulgence of this Court to rectify the patta by removing the name of the sixth respondent/father.



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5. The Will relied upon is dated 11.04.2014. After the execution of the Will, the civil suit was filed. The correctness or otherwise of the Will is now pending adjudication before the competent civil court.

6. Since the patta was issued jointly in the names of the petitioner and her father on the basis of the legal heirship certificate, the same cannot now be directed to be altered merely because a civil suit is pending. In the civil suit, the validity and genuineness of the Will dated 11.04.2014 must be adjudicated by the competent court and only thereafter can it be determined in whose name the patta should stand. Furthermore, the present writ petition has been filed after a lapse of ten years from the execution of the Will dated 11.04.2014. Therefore, at this stage, the relief sought for cannot be granted.

7. However, considering the present facts and circumstances of the case and since learned counsel for the petitioner claims that the father of the petitioner intends to alienate the property, the trial Court is requested to dispose of the pending interim application filed by the petitioner seeking a direction not to alienate the said property, as expeditiously as possible.



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8. With the above observations, this writ petition stands disposed of. There shall be no order as to costs.

(K.SURENDER, J)
01.12.2025

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

To

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Madurai District, Madurai.

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