



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.04.2026

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD) No.6998 of 2026 and

W.M.P.(MD) Nos.5770 and 6816 of 2026

Venkateswaran

... Petitioner

Vs.

1. The Revenue Divisional Officer,

Melur, Madurai District.

2. The Tahsildar,

Madurai East, Madurai.

3. Sureshbabu

... Respondents

Prayer in W.P.(MD) No.6998 of 2026: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 1st respondent dated 19.02.2026 in Na.Ka.No,706/2026/Aa4 and quash the same as illegal.

For Petitioner : Mr.K.Baalasundaram, Senior Counsel for Mr.C.Jeya Prakash

For R1 and R2 : Mr.S.Shanmugavel Additional Government Pleader

For R3 : Mr.N.Tamilmani for Mr.N.Ilango

ORDER

The present Writ Petition has been filed for the issuance of a Writ of



Certiorari, to quash the impugned order passed by the 1st respondent dated 19.02.2026 in Na.Ka.No.706/2026/Aa4. Through the impugned order the 1st respondent has restrained to make any changes in the patta until the disposal of enquiry pending before the 1st respondent.

2. The brief facts as stated in the affidavit filed by the petitioner are that the property situated in Survey No.13/2D to an extent of 1 Hectare 13 Ares and in Survey No.15/2C1 to an extent of 0.30.89 Ares at Kalikappan Bit-I Village, Madurai, originally belonged to one S.S.Devadoss, son of Late. Sundararaman by virtue of two registered sale deeds dated 22.10.1967 in Doc.No.12 of 1968 on the file of the SRO, Thamaripatti, Madurai District and in Doc.No.1759 of 1967, dated 19.10.1967 on the file of SRO, Thamaripatti and he was in possession and enjoyment of the property. There was a title dispute between the said S.S. Devadoss and his wife, namely Devika who is a famous film actress. The title of S.S. Devadoss was confirmed by this Court in T.S.No.53 of 2002 in C.S.No.575 of 2005 and A.S.Nos.414 and 415 of 1998 and the said litigation ended in favour of S.S.Devadoss wherein it was declared that the said S.S.Devadoss has title over the property. According to the petitioner, thereafter the said S.S.Devadoss had executed a registered Will dated 25.03.2024 in Doc.No.15 of 2024 in SRO, Mylapore, Chennai but in the said Will, the above said properties were not specifically mentioned. Again, the said S.S.Devadoss had executed another registered Will dated 30.09.2025 in Doc.No.23 of 2025 on the file



of the Joint-II SRO, Thousand Lights, Chennai, in favour of the petitioner favour and thereby, cancelling the earlier Will dated 25.03.2024. Further it is stated that the Will dated 30.09.2025 was registered at the residence of S.S.Devadoss in Door No.8/1, Kumarappa Mudhali Street, Nungambakkam, Chennai - 600 034. Thus, the 2nd Will, dated 30.09.2025, executed by S.S.Devadoss is the last Will. After the demise of the said S.S.Devadoss on 30.11.2025, the petitioner had claimed right over the property and has obtained patta on 27.01.2026. Thereafter, the petitioner received an enquiry notice dated 11.02.2026 thereby calling the petitioner to attend the enquiry on 19.02.2026 at 11.00 AM. After the receipt of the same, the petitioner had appeared before the 1st respondent on 19.02.2026.

3. The contention of the petitioner is that without hearing him and without giving adequate time, on the same date, the impugned order was passed, directing the Sub Registrar, Karuppayoorani, not to transfer patta and register any documents in Survey Nos.13/2D and 15/2C1. Aggrieved over the same, the present writ petition is filed.

4. Considering the submissions of the petitioner, this Court granted interim order of stay until 15.04.2026, and issued notice to the 3rd respondent. After receiving the notice, the 3rd respondent had filed vacate stay petition.

5. The Learned Counsel appearing for the 3rd respondent vehemently objected



for the submission of the petitioner and submitted that the alleged Will dated 30.09.2025 is a forged Will and pointed out several discrepancies and facets of forgery. Further stated the impugned order is only interim order and the same was passed to protect the rights of the parties and to avoid multiplicity of litigations. Further stated that the said S.S.Devadoss had first executed a registered Will on 11.07.2021 at Mylapore. Thereafter, he has executed a second Will on 25.03.2024 in Doc.No.15 of 2024 which is the last and final Will, wherein in the second Will, he has nominated 5 trustees and has dedicated the property for the general public at large. Therefore, the third Will dated 30.09.2025 as alleged by the petitioner was never ever executed. Moreover, the learned Counsel appearing for the 3rd respondent pointed out that the said alleged disputed Will was a forged one and has submitted the documents for comparison.

6. After hearing the rival submissions, this Court has given its anxious consideration.

7. The primary contention of the petitioner is that the impugned order is the final order which was passed by the Revenue Divisional Officer without affording opportunity. However, on perusing the order it is seen that the authority has stated that the enquiry is pending. Pending inquiry, the above direction has been issued. Therefore, it is only an interim order and RDO has power to pass interim orders in



order to avoid multiplicity of proceedings.

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8. The contention of the 3rd respondent is that the signature of the said S.S.Devadoss was forged. Further it is stated that the photograph of S.S.Devadoss was forged. The 3rd respondent produced a photograph of S.S.Devadoss and stated that the said S.S.Devadoss was having a front bald head but the forged photograph shows a person with hair. Further the photo in Aadhar card also differs and submitted that the photograph was forged.

9. The next comparison is that the residence certificate issued by the Tahsildar wherein the number and the signature of the Tahsildar differs. The petitioner had produced the certificate number as TN-1520251228199. When the same is compared with the original certificate it is seen that the said certificate with number TN-1520251228199 was issued to one V.Selvam Karthikeyan son of Veerakesavan by the Tahsildar Mahalingam Sivanandi. The alleged forged signature is issued by Tahsildar R.Kirubakaran but no such Tahsildar with that name ever worked in the said place. Further, in the same certificate in TN-1520251228199, the confirmation of document, a different number is stated as TN-720190905965. But the said number was issued to one K.Kumar son of E.Kanthalan. To be specific the contents of two certificates were taken and a third certificate is created, i.e. the top portion of the alleged forged certificate was taken from the original certificate belongs V.Selvam



Karthikeyan and the bottom portion is taken from the original certificate belongs to K.Kumar. Further, it is pointed out that the forged document has been drafted by an Advocate namely K.Ramesh, but his signature is forged and photo is forged. The original K.Ramesh an advocate having Enrollment No.3764 of 2014 is a different person and the original professional and contact details are misused. Infact the said K.Ramesh has submitted an affidavit before this Court wherein he has denied drafting such a document.

10. However, the allegations and the plea raised by the 3rd respondent was vehemently opposed by the learned Senior Counsel appearing for the petitioner and submitted that the said allegations can be proved only by experts. As of now there is no adverse report against the petitioner.

11. It is seen after perusing the aforesaid documents and discrepancies, the RDO had passed in the interim order restraining to mutate patta. Still the main petition is pending for passing final orders. In such circumstances the impugned interim order was passed. This Court has already held that the RDO is having power to pass the impugned interim order restraining the Tahsildar from changing the patta to any other person and the same is legally valid.

12. The next contention of the petitioner is that the RDO is not having power to restrain the Sub Registrar from registering the document, since he is not an



authority under Registration Act. Further the Sub Registrar is not a lower authority to direct to the Sub Registrar from restraining the registration. Even though this Court is accepting the said contention, this Court has power to restrain the Sub Registrar from register any document in order to avoid multiplicity of proceedings. Therefore, this Court is not inclined to set aside that portion of the order.

13. Therefore, all the contentions raised by the petitioner are not acceptable and the same are rejected.

14. Since there is a dispute in title, the patta shall be restored in the name of S.S.Devadoss itself. As far as the title dispute is concerned, the aggrieved party ought to approach the civil court. However, in the present case, the petitioner is claiming right through a Will. Presently the position of law is that the Will need not be probated and it is not mandatory. But the Will executed prior to 2025 whether it requires probate has not been decided and the said question is left open. However, if there is any rival claim, the Will has to be proved by the person who is claiming the Will. The issue of probating the Will was considered by another Learned Single Judge in W.P.(MD)No.25433 of 2023 vide order dated 16.11.2023 wherein it is held as under:

"7. It is true that a Will does not require to be probated. As law presently stands, it is not a compulsorily registrable document also. The question that calls for consideration is whether for this reason I should allow



the writ petition as prayed for.

8. Admittedly, the property in question stood in the name of Jegathavalli Ammal. She had passed away on 31.12.2019. The death certificate has been enclosed in the typed set of papers. But the legal heir certificate has not been produced. The petitioner is having two brothers. Even according to the petitioner, Jegathavalli Ammal is having three Class 2 legal heirs including the petitioner herein. The petitioner claims title and ownership over Jegathavalli Ammal's property on the sole ground that the Will executed by her had come into force. A Will, registered or unregistered, has to be proved as per law. Unless the petitioner proves the Will said to have been executed in his favour in the manner known to law, the settlement deed executed by the petitioner cannot be entertained by the respondent. Of course, the issue will be different if the other legal heirs of the deceased Jegathavalli Ammal accept the genuineness of the Will propounded by the writ petitioner. In that case, registration can be allowed to go on.

9. I therefore dispose of the writ petition in the following terms: The petitioner is permitted to re-present the settlement deed before the respondent. The petitioner shall also produce the legal heir certificate of the deceased Jegathavalli Ammal. The registering authority will issue notice to all the legal heirs of Jegathavalli Ammal. If other legal heirs do not contest the petitioner's claim on the property based on the Will dated 29.06.2018 the document in question can be registered. If the other legal heirs challenge the genuineness of the Will propounded by the petitioner, the petitioner has to necessarily move the jurisdictional civil Court for relief. Only after the petitioner obtains declaration in his favour over the petition mentioned property, the document can be re-presented for registration. The petitioner is permitted to approach the jurisdictional Tahsildar for issuance of legal heir certificate. The jurisdictional Tahsildar will entertain the petitioner's application, hold enquiry and issue certificate within a period of ten weeks thereafter. There shall be no order as to costs."



15. This Court is of the considered opinion that the petitioner who is claiming the right over the property through the Will ought to approach the competent Civil Court to prove the Will as per law. Unless the petitioner proves the Will said to have been executed in his favour in the manner known to law, the petitioner cannot seek change patta and register any documents. Therefore, the petitioner is directed to approach the competent Civil Court to prove his title and thereafter approach the revenue authorities to change patta and registering authorities to register the documents.

16. If the third respondent is aggrieved and intended to protect the properties, he is also at liberty to approach the competent Civil Court, if so advised.

17. The 3rd respondent submitted that he has preferred a criminal complaint on 23.01.2026 on the file of Othakadai Police Station. The concerned Police Station is directed to proceed further in the said complaint and take the complaint to the logical end.

18. The RDO is directed to proceed with the enquiry and complete the enquiry on or before 30.07.2026.

19. With the above observations and directions, this Writ Petition is disposed



of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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06-04-2026

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To

1. The Revenue Divisional Officer,
Melur, Madurai District.
2. The Tahsildar,
Madurai East, Madurai.