

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16-06-2026

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THE HONOURABLE MRS JUSTICE S.SRIMATHY

WP(MD) NO. 7602 of 2026

and

WMP (MD) No.6234 of 2026

P.Sivakumar

Petitioner

Vs

1.The Tahsildar,
Ettayapuram Taluk,
Thoothukudi District.

2.The Zonal Deputy Tahsildar,
Ettayapuram Taluk,
Thoothukudi District.

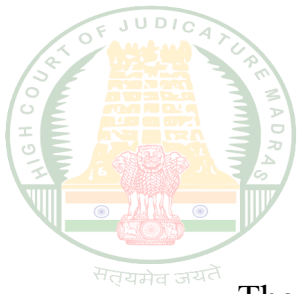
3.A.Thirukumaran

Respondent(s)

For Petitioner(s): Mr.K.K.Samy for Mr.A.S.Selva Aditya

For Respondent(s): Mr.S.Siva Thilakar,
Counsel for the state of TamilNadu – For R1 and R2
Mr.S.Meenakshi Sundaram, Senior Counsel
for Mr.A.Srinivasan – For R3

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from entertaining and transferring patta in respect of the properties standing in the name of Ramamoorthy Swamigal to the name of the 3rd respondent on the basis of alleged will dated 17.10.2018 considering the objections of the petitioner dated 06.03.2026.



ORDER

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The present Writ Petition has been filed for the issuance of a Writ of Mandamus forbearing the respondents from entertaining and transferring patta in respect of the properties standing in the name of Ramamoorthy Swamigal to the name of the 3rd respondent on the basis of alleged will dated 17.10.2018 considering the objections of the petitioner dated 06.03.2026.

2. The brief facts of the case are that the property was purchased by one Ramamoorthy Swamigal. Later on, he has created a Trust. The petitioner's father Paulsamy is the brother of the said Ramamoorthy Swamigal and the petitioner is the son of Paulsamy. According to the petitioner, the 3rd respondent is claiming that he is the adopted son but the same is resisted by the petitioner and his family. On the other hand, the third respondent is relying on a Will dated 17/10/2018 and claiming right over the property. But the said Will is also being disputed by the petitioner. Hence the contention of the petitioner is that when there is a title dispute between the petitioner and the third respondent, the revenue authorities cannot entertain any application for changing the Patta unless the title dispute is resolved by the competent Civil Court.



3. This Court perused the documents submitted before this Court. Prima facie certain documents cannot be accepted. There is a discrepancy in the alleged Will especially the date of purchase of the stamp papers and the date execution of the Will. Further all the documents ought to be scrutinized. This Court is refraining from further observation, since the same would affect the rights of the parties before Trial Court.

4. The petitioner had made prima facie case, therefore, the official respondents are restrained from entertaining any patta transfer application in the name of the 3rd respondent or any persons claiming through 3rd respondent. However, the petitioner and the third respondent and any other person who is claiming right over the property are at liberty to file a suit. After the disposal of the suit, the parties are at liberty to approach the revenue authorities for making necessary changes.

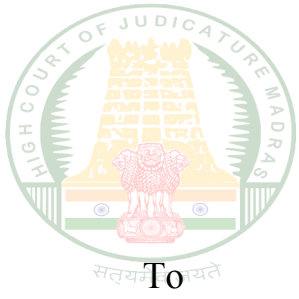
5. According to the 3rd respondent, a suit is pending. But it is the suit for injunction, in the present case there is title dispute and hence suit for declaration ought to be filed. Hence this Court is not inclined to interfere in the pending suit proceedings. Further the parties are at liberty to file a fresh suit or at liberty to modify the prayer in the suit.



6. For the reasons state supra, this Writ Petition is allowed and the respondents are restrained from making any changes in the revenue records. Also refrained from issuing patta in the name of the 3rd respondent and in the name of the petitioners. The patta shall stand in the name of the deceased Ramamoorthy Swamigal. Based on the judgment that would be rendered in the suit for declaration, the parties shall approach the revenue authorities to make necessary changes and for issuance of patta. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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16-06-2026



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To
1.The Tahsildar,
Ettayapuram Taluk,
Thoothukudi District.

2.The Zonal Deputy Tahsildar,
Ettayapuram Taluk,
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S.SRIMATHY, J.

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