

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.29739 of 2018  
and  
W.M.P.No.34693 of 2018

V.Munidha

... Petitioner

Vs

1. The Collector,  
Vellore District, Vellore.
2. The Tahsildar,  
Arakkonam Taluk, Arakkonam,  
Vellore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 2<sup>nd</sup> respondent in his proceedings sent through mobile phone SMS rejecting the petitioner's application to transfer of patta and quash the same and consequently direct the respondents to transfer the patta in respect of property having an extent of 1800 sq.ft. bearing Plot No.39, comprised in S.No.524/3B, Vedamambakkam village, Arakkonam taluk, known as Green Park Avenue after subdividing the same in the name of petitioner, on the basis of the petitioner's application dated 19.09.2018 in the light of the judgment of this Court made in A.S.No.108 of 1991 dated 26.11.2001.

For Petitioner : Mr.G.Jeremiah  
For Respondents : Mr.E.Balamurugan,  
Special Government Pleader

O R D E R

This writ petition is filed challenging the communication issued by the 2<sup>nd</sup> respondent through mobile phone SMS rejecting the petitioner's application to transfer patta. Consequently, the petitioner seeks for a direction to the respondents to transfer patta in respect of the property having an extent of

1800 sq.ft. bearing Plot No.39, comprised in S.No.524/3B, Vedamambakkam village, Arakkonam Taluk.

2. When the matter was taken up for admission on 14.11.2018, learned Special Government Pleader took notice for the respondents and accordingly, the matter was adjourned thereafter, on several occasions. Lastly, the matter was listed on 15.03.2019, on which date, this Court, after taking note of the inability of the Government Pleader to get instruction from the 2nd respondent/Tahsildar despite several adjournments, directed the Tahsildar to appear before this Court and explain in person as to why he has not instructed the learned Special Government Pleader. Accordingly, the matter is listed today and the Tashildar/ 2<sup>nd</sup> respondent is also personally present.

3. Learned Government Pleader submitted that since the petitioner has not produced any relevant materials before the 2<sup>nd</sup> respondent, the present impugned communication through SMS was issued. However, he fairly admitted that no separate order was passed by the 2<sup>nd</sup> respondent rejecting the request of the petitioner's application for transfer of patta.

4. Needless to say that when an application is filed, it is for the 2<sup>nd</sup> respondent to pass a speaking order either accepting it or rejecting it. Without doing so, sending SMS message alone, is not a proper course of disposing the application. Therefore, I find that the present impugned communication sent by SMS, cannot be sustained. Therefore, the same is liable to be set aside. Accordingly, the Writ Petition is allowed. The impugned communication is set aside and the matter is remitted back to the 2<sup>nd</sup> respondent to consider the application of the petitioner afresh and pass order on merits and in accordance with law. It is open to the petitioner to place all the materials in support of her claim before the 2<sup>nd</sup> respondent at the time of enquiry and the 2<sup>nd</sup> respondent shall give an opportunity of personal hearing to the petitioner and thereafter, pass orders as stated supra, within a period of four weeks. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vsi/gsi

To

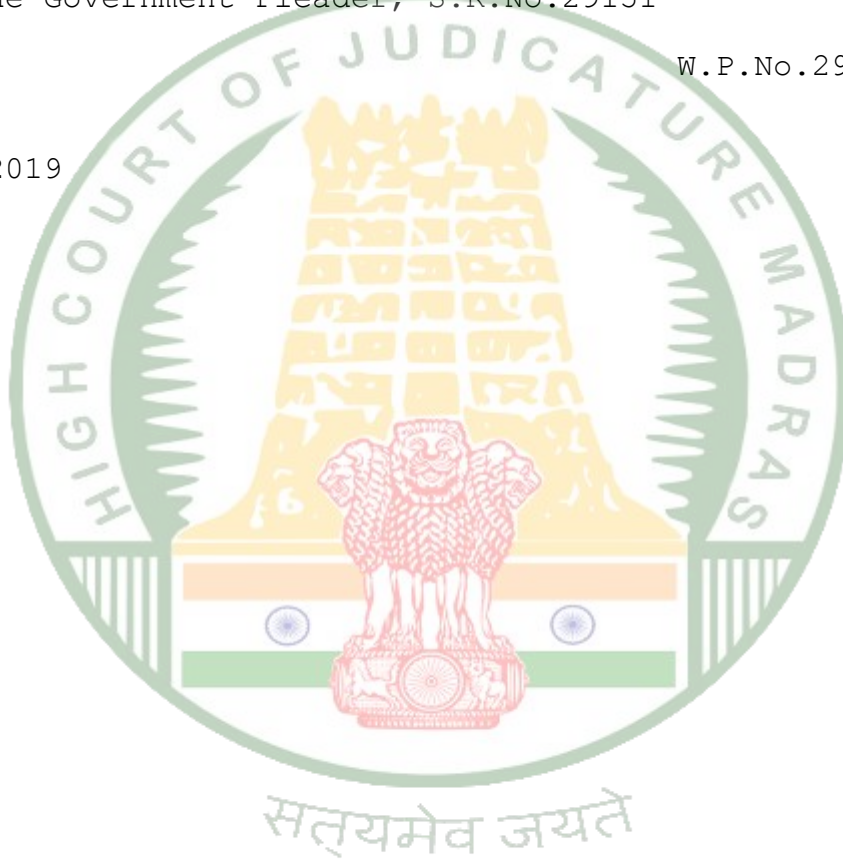
1. The Collector,  
Vellore District,  
Vellore.
2. The Tahsildar,  
Arakkonam Taluk,  
Arakkonam,  
Vellore District.

+1cc to Mr.G.Jeremiah, Advocate, S.R.No.27359

+1cc to the Government Pleader, S.R.No.29151

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PA (CO)  
CS/08/05/2019



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