



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD)No.13423 of 2020

and

W.M.P.(MD)No.11198 of 2020

A.Ramraj

... Petitioner

-Vs-

1.The Tahsildar,
Manachanallur,
Thiruchirappalli District.

2.The Zonal Deputy Tahsildar,
Manachanallur,
Thiruchirappalli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned rejection order issued by the second respondent in file No.2020/0103/15/179866, dated 29.07.2020 and quash the same and consequently, direct the respondents to issue patta in respect of properties in S.No.14/1A, 14/1B, 14/1C, 14/1D, 14/1E, 14/1F, 14/1G, 14/1H, 14/1I and 5/10A situated at Avaravalli Village, Manachanallur Taluk, Tiruchirappalli District to the petitioner, within the time limit fixed by this Court.

For Petitioner : Mr.AL.Kannan

For Respondents : Mr.M.Pandiya Rajan,
Additional Government Pleader.

ORDER

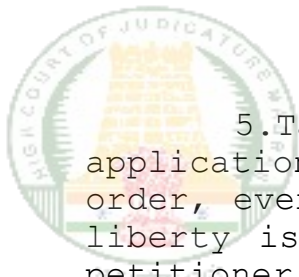
The petitioner has come forward with this Writ Petition to quash the impugned order passed by the second respondent dated 29.07.2020 and seeking a direction to direct the respondents to issue patta in respect of properties in S.No.14/1A, 14/1B, 14/1C, 14/1D, 14/1E, 14/1F, 14/1G, 14/1H, 14/1I and 5/10A situated at Avaravalli Village, Manachanallur Taluk, Tiruchirappalli District to the petitioner, within the time limit fixed by this Court.



2. According to the petitioner, he is in possession and enjoyment of the petition mentioned properties and various other properties from the year 1987 and in the year 2015, one Raman has trespassed into one portion of the petition mentioned properties. Therefore, the petitioner has filed O.S.No.108 of 2016 before the District Munsif Court, Lalgudi against the said Raman, seeking declaration and recovery of possession. Since the said Raman did not appear before the Court below, after considering the materials and evidence, the learned Additional District Munsif, Lalgudi has decreed the suit, vide judgment and decree dated 05.10.2016. Against which, no appeal has been filed by the said Raman and the same attained finality. Thereafter, the petitioner has preferred Execution Petition in E.P.No.20 of 2019, wherein the learned District Munsif, vide order dated 03.04.2020, has directed the said Raman to hand over the possession to the petitioner. Based on the judgment and decree dated 05.10.2016, the petitioner has submitted an application dated 20.03.2020 through online, seeking transfer of patta in respect of the petition mentioned properties. Thereafter, on 04.08.2020, the petitioner through RTI Act, came to know that his application has been rejected by the second respondent, vide proceedings dated 29.07.2020, on the ground that no documents were furnished by the petitioner, establishing the title over the properties. Challenging the same, the petitioner has come forward with this Writ Petition.

3. The learned Additional Government Pleader appearing for the respondents contended that the petitioner has not produced any link document in order to establish his claim and that the application has not been rejected in its entirety. The petitioner was asked to submit the link document in order to enable them to consider the petitioner's case. The petitioner, instead of producing the document sought for, has approached this Court in a hasty manner under erroneous presumption that his rights have been deprived, and if the documents are produced, the case of the petitioner would be considered in accordance with law.

4. A perusal of the impugned order shows that online application submitted by the petitioner has been rejected by the second respondent on 29.07.2020 on the ground that there is no link document to accept the case of the petitioner. The petitioner has submitted as many as five files in order to establish his title. The fact whether it is genuine or not could be gone into, based on the link documents. The second respondent should have heard and asked for those documents to be produced before rejecting the same. But the impugned order cannot be said that there is an outrage rejection, as the liberty has been given to the petitioner to make fresh application by furnishing all the link documents, so that a decision could be arrived at by the authorities concerned.



5. Taking note of the submission of both parties, more so application made and the reservation of rights given in the impugned order, even though there is no need to interfere with the order, as liberty is given to the petitioner to make fresh application, the petitioner is entitled to make fresh application along with all documents sought for by the respondents and before taking any decision, an opportunity of being heard shall be given, so that the petitioner would be in a position to rectify or produce the documents sought for by the respondents. If any application is made, it is needless to mention that it shall be considered and a decision would be taken, within a period of thirty (30) days, after affording opportunity to the petitioner.

6. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Tahsildar,
Manachanallur,
Thiruchirappalli District.
2. The Zonal Deputy Tahsildar,
Manachanallur,
Thiruchirappalli District.

Order made in
W.P. (MD) No.13423 of 2020
07.10.2020

Myr

SDS (19.10.2020) 3P-3C
<https://hcservices.ecourts.gov.in/hcservices/>