

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19..04..2021
CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.7414 of 2021
and
W.M.P.No.7933 of 2021

N.Gopalakrishnan

... Petitioner

-Versus-

The Zonal Deputy Tahsildar,
Division-2,
Triplicane,
Chennai 600005.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the respondent relating to the Application No.2019/0153/02/007106 dated 30/10/2019 and to quash the same and consequently direct the respondent to consider the petitioner's on-line application vide Application No.0330208137636 for issuance of Patta in respect of the land and building comprised in survey No.423/1, Block No.15 and admeasuring East to west on northern side 27 feet and Southern Side 27 feet North to South on Eastern side 32 feet in all measuring to extent 864 square feet in New Door No.65 (Old Door No.32), Bangaru Naicken Street, Anna Salai Chennai 600 002 in the name of the petitioner.

For Petitioner : Mr.M.Raja Sekhar

For Respondent : Mr.E.Balamurugan,

Spl. Govt. Pleader

ORDER

This writ petition has been filed challenging the order passed by the respondent rejecting the application of the petitioner vide Application No.2019/0153/02/007106 for transfer of patta in his name in respect of the land comprised in survey No.423/1, Block No.15 measuring an extent of 864 square feet in New Door No.65 (Old Door No.32), Bangaru Naicken Street, Anna Salai Chennai 600 002 and for a consequential direction to the respondent to consider the petitioner's on-line Application vide Application No. 0330208137636 dated 30.10.2019.

2. When the matter came up for hearing on the last occasion, as the order impugned in the writ petition is a non speaking order, this court directed the respondent to verify the fact as to whether any speaking order has been passed on the application of the petitioner regarding transfer of patta. Accordingly, today, when the matter is taken up for hearing, the learned Special Government Pleader, on instructions, submitted that order dated 30.10.2019 was the only order that has been passed by the respondent and there was no other speaking order passed.

3. It is the settled law that 'reason' is the heart beat of every conclusion. Any authority passing an order is expected to give reasons for his conclusion. Here, in the instant case, no reason has been given by the 2nd respondent for rejecting the request of the petitioner for transfer of patta in his name by a single line order. Without valid reasons assigned in support of the rejection of the request of the petitioner for transfer of patta, the petitioner may not be in a position to challenge the order either by way of appeal or writ petition.

4. In the light of the settled legal position and having regard to the facts and circumstances of the case, this court is of the considered view that the order impugned is liable to set aside as it is a non speaking order.

5. Accordingly, the writ petition is allowed. The order impugned in this writ petition is set aside and the matter is remitted back to the respondent for considering the application of the petitioner for transfer of patta afresh on merits and in accordance with law after giving a reasonable opportunity to the petitioner. The respondent shall complete the above said exercise within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected WMP is closed.

s/d-

Assistant Registrar (CS VII)

True Copy

Sub-Assistant Registrar

kmk

To

1. The Zonal Deputy Tahsildar, Division-2, Triplicane, Chennai 600005.

+1 CC to The Government Pleader sr 24031

+1 CC to Mr.M. Rajasekar, Advocate sr 23745.

Writ Petition No.7414 of 2021

UM(CO)

SP(19/05/2021)