



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2021

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

W.P.No.7886 of 2021

and

W.M.P.No.8419 of 2021

M.K.Ramasamy

.. Petitioner

Vs.

1. The District Collector,
District Collectorate,
Palayapalayam,
Erode - 638 011.

2. The Thasildar,
Erode Taluk,
Erode - 638 001.

3. The Secretary to Government,
Department of Housing and Urban Development,
Fort St.George, Secretariat,
Chennai 600 009.

.. Respondents

Prayer: 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 impugned rejection proceedings found online in Petition Number 2020/9005/10/715056/0710 dated 21.09.2020 quash the same and consequently direct the 2nd respondent herein to take appropriate steps to transfer the patta to the name of the petitioner for the land located in the Survey No.214 measuring the extent of 3200 sq.ft located in the Surampatti Village at Erode Taluk.

For Petitioner .. Ms.S.Varsha

For RR1 to 3 .. Mr.Yogesh Kannadasan,
(Govt.Advocate)



ORDER

The writ petition has been filed by a senior citizen who has approached this Court in the nature of Certiorarified Mandamus to quash the online entry by which his application for transfer of patta was rejected by a cursory order without giving any reasons for the same.

2. It is the case of the petitioner that he is the owner of the lands located in S.No.214, Surampatti Village, Erode Taluk, measuring to an extent of 3200 sq.fts. He had purchased the same by Sale Deed dated 03.02.1972 and registered as Document No.263/1972 in the office of the District Registrar, Erode. The petitioner claims to be in possession and enjoyment of the said property. The property was subjected to acquisition proceedings under the Land Acquisition Act, 1984, by the 3rd respondent / Department of Housing and Urban Development.

3. The petitioner had questioned such acquisition proceedings, but was unsuccessful. He had made a further challenge seeking a direction not to pass any award and direction was given to restart the land acquisition proceedings from the enquiry stage. Fresh proceedings were initiated. Further challenge was laid by the petitioner herein. He had also filed an appeal against the order. Thereafter, a Division Bench had stated in W.A.No.331 of 1997 by order dated 30.07.1987 that a representation can be given to exclude the land of the petitioner from the purview of the land acquisition proceedings and if any such representation is made, the same may be considered and if possible favourably.

4. The petitioner thereafter, make several representations. He again had to approach the Writ Court to quash the proceedings, which rejected exclusion of the land. Thereafter, he had been giving representation from the year 2015 to transfer the patta. Again he had approached this Court.

5. The narration of the facts would reveal that the petitioner had approached the Court on several occasions claiming practically the same relief. Finally, now quite frustrated by the order of the 2nd respondent, wherein, his application was rejected as stated by a one line order that it is rejected without giving any reasons he has filed this Writ Petition.

6. The impugned order is therefore, interfered with and set aside and a direction is given to the 2nd respondent / Tahsildar, Erode Taluk, to consider the online application made by the petitioner dated 10.07.2020 bearing



No.2020/9005/10/715056/0710, by issuing notice to the petitioner, hearing the petitioner and if any documents are required, requesting the petitioner to furnish such documents and thereafter passing an order with reasons. It is hoped that the 2nd respondent would complete the entire process within a period of sixteen weeks from the date of receipt of copy of this order.

7. With the above observations, the Writ Petition is allowed. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

// True Copy//

Sub Assistant Registrar

smv

To

1. The District Collector,
District Collectorate,
Palayapalayam,
Erode - 638 011.
2. The Thasildar,
Erode Taluk,
Erode - 638 001.
3. The Secretary to Government,
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+1cc to the Government Pleader, S.R.No.38483

W.P.No.7886 of 2021

SSV(CO)
SU(24/08/2021)