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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.14604 of 2018

K.Murugeswari

... Petitioner

-Vs-

The Tahsildar
Tambaram Taluk
Kancheepuram District.

... Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondent to effect transfer of patta in pursuance to the sale deed dated 19.05.2008 registered in her favour as Document No.2607/2008 at Office of SRO, Padappai, in respect of her vacant house site property measuring an extent of 1000 Sq.ft comprised in Survey No.363/1 & 364/2 bearing Plot No.5 (Eastern Part) at Kondumedu in Perungalathur Village, Tambaram Taluk with a time frame as may be fixed by this Hon'ble Court.

For Petitioner	:	Mr.R.Veeramani
For Respondents	:	Mr.J.Pothiraj Special Government Pleader

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondent to effect transfer of patta in pursuance to the sale deed dated 19.05.2008 registered in her favour as Document No.2607/2008 at Office of SRO, Padappai, in respect of her vacant house site property measuring an extent of 1000 Sq.ft comprised in Survey No.363/1 & 364/2 bearing Plot No.5 (Eastern Part) at Kondumedu in Perungalathur Village, Tambaram Taluk with a time frame.

2. The petitioner's case is that, he claimed to have purchased a land to the extent of 1000 Sq.ft in Survey No.363/1 & 364/2 bearing Plot No.5 (Eastern Part) at Kondumedu in Perungalathur Village, Tambaram Taluk from one Prakash and the said sale was registered as Document No.2607/2008 at Sub Registrar Office, Padappai. After having purchased the land, the petitioner made an application to the respondent Tahsildar



through on-line mode on 11.08.2017 for issuance of patta in the name of the petitioner.

3. However, it seems that the said application, according to the petitioner, was not considered. Therefore, he verified the status of the application through the web portal, where he got an information through on-line stating that, his application was rejected on 25.12.2017.

4. In this regard, it is the grievance of the petitioner that, though such rejection has been made, no rejection order has been communicated to the petitioner and moreover, before rejecting the application of the petitioner, no opportunity was given to the petitioner, without which the application could not have been rejected as shown in the website. Therefore, in order to consider his application and do the needful, he has given a representation dated 02.03.2018 to the respondents and the same also since has not been considered so far, he had approached this Court by filing the present writ petition with the aforesaid prayer.

5. Heard Mr.Veeramani, learned counsel appearing for the petitioner, who after having reiterated the aforesaid facts, would submit that, if at all the respondent wanted to reject the application for any plausible reason, an opportunity could have been given, without which the application could not have been rejected and assuming that, the application had been rejected, without giving an opportunity to the petitioner, such a rejection order has never been passed and never has been communicated to the petitioner, as he has not received any such communication and only on checking the web portal, he came to know about the rejection of his application. Therefore, the learned counsel appearing for the petitioner seeks the indulgence of this Court to direct the respondent to consider the application along with his representation dated 02.03.2018 and decide the same on merits and in accordance with law within a time frame.

6. On the other hand, Mr.J.Pothiraj, learned Special Government Pleader appearing for the respondents would submit that, since an application was submitted by the petitioner dated 25.12.2017, if it is already rejected as per the online information status admittedly produced by the petitioner, as against such order of rejection, he could have preferred an appeal. However, subsequently the petitioner had given a representation dated 02.03.2018 stating that the application has not been considered on merits and no opportunity was given to him. Therefore, there could not have been any effective rejection in the eye of law. In this count if he wants to reconsider the issue of rejection of the application and he has



7. I have considered the submissions made by the learned counsel for the petitioner as well as the learned Special Government Pleader for the respondents and have perused the materials placed on record.

9. Further, as pointed out by the learned counsel for the petitioner, before rejecting the application seeking patta on the basis of the documents submitted by the petitioner in support of his claim, an opportunity of being heard could have been given by the respondents, without which, out-right rejection could not have been made and therefore on that ground itself, the information whatever reflected in the web portal of the rejection status of the application of the petitioner, cannot be accepted.

11. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order.

<https://hcservices.ecourts.gov.in/hcservices/>



affording the opportunity of being heard to the petitioner and final orders shall be passed within a period of twelve weeks from the date of receipt of a copy of this order.

12. With the above direction, this writ petition is disposed of. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

KST
To

The Tahsildar
Tambaram Taluk
Kancheepuram District.

+1 CC to The Government Pleader sr 23655.
+1 CC to Mr.R.Veeramani, Advocate sr 23206.

W.P.No.14604 of 2018

SP(19/07/2021)