



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.18377 of 2021

MuthuveeraSuruliammal

... Petitioner

Vs.

1.The Zonal Deputy Tahsildar,
Bodinayakkanur Taluk,
Theni District.

2.The Village Administrative Officer,
Bodinayakkanur Taluk,
Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records in pertaining to the proof given by the second respondent dated 09.07.2021 and quash the same and directing the first respondent to consider the petitioner's online application for patta transfer in Application No.2021/0103/25/055776 dated 04.03.2021 and issue patta in the name of the petitioner in respect of Survey Nos.1002/1A1, 1/4, 3/2, Bodi Town, Bodinayakkanur Taluk, Theni District.

For Petitioner : Mr.S.Balaji

For Respondents : Mr.S.Shanmugavel

Additional Government Pleader

ORDER

This Writ Petition has been filed in the nature of Certiorarified Mandamus with respect to a communication issued by the second respondent/the Village Administrative Officer, Bodinayakkanur Taluk, Theni District dated 09.07.2021 and to interfere with the same. The petitioner also seeks a further direction against the first respondent to consider the application for patta transfer for which she had applied online on 04.03.2021 and to issue patta in the name of the petitioner with respect to Survey Nos.1002/1A1, 1/4, 3/2, Bodi Town, Bodinayakkanur Taluk, Theni District.

2. *Prima facie*, the order now impugned will have to be straight away set aside. It is a communication issued by the second respondent/ the Village Administrative Officer, who only communicated that the first respondent rejected the application seeking patta which application had been preferred online by the petitioner herein. The Village Administrative Officer is not the authority who can grant patta or who can even consider granting patta. He had only communicated the order of the first respondent.



The order of the first respondent, is that the application filed by the petitioner had been rejected owing to the fact that some of the attachments which are normally required for grant of patta had not been forwarded by the petitioner.

3. Let me not enter into any discussion whether those attachments are actually required for grant of patta or are not required. That is left to the wisdom of the first respondent. However, I am informed that the first respondent had rejected the application seeking patta but the learned counsel for the petitioner states that reasons have not been given. The order of rejection of grant of patta by the first respondent is also set aside.

4. The petitioner is directed to move once again to the office of the first respondent by filing a fresh representation, to urge upon the first respondent to reconsider the online application already given by the petitioner in Application No.2021/0103/25/055776 dated 04.03.2021, and do the needful. If the petitioner is under obligation to produce further documents for grant of patta, the first respondent may direct the production of such documents. Thereafter, on considering those documents and any other documents produced by the petitioner herein, the first respondent may pass a detailed order. If the patta is granted, then the petitioner would have no cause for grievance. If it is again rejected, let a speaking order be passed by the first respondent so that the petitioner can take up the proceedings further in the manner known to law.

5. If charges are payable for reconsidering the online application already filed by the petitioner, the first respondent may advise the petitioner accordingly. The petitioner may give a representation in this regard to reconsider the online application already filed, along with a copy of this particular order to the first respondent. The first respondent is under an obligation to consider the said representation/online application and pass necessary orders within a period of twelve (12) weeks from the date of receipt of fresh representation by the petitioner.

6. With the above observations, this Writ Petition stands allowed. There shall be no order as to costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Nsr/Lm

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



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 Zonal Deputy Tahsildar,
Bodinayakkanur Taluk,
Theni District.

2.The Village Administrative Officer,
Bodinayakkanur Taluk,
Theni District.

+1 CC to M/s.S.BALAJI, Advocate (SR-36402[F] dated 29/11/2021)

+1 CC to M/s.SPL GP (SR-36765[F] dated 01/12/2021)

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KB(10.12.2021) 3P 5C