

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.2183 of 2022

and

W.M.P.Nos.2349 & 2350 of 2022

D.Krishnamoorthy

...Petitioner

Vs.

1. District Collector,
Salem District,
Salem.

2. The Tahsildar,
Kadayampatti Taluk,
Salem District.

3. Govindan

...Respondents

PRAYER: The Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a writ, order or direction more particularly in the nature of Writ of Certiorarified Mandamus to call for the records of the impugned order in Na.Ka.No.276/2021/A4 dated .11.2021 issued by the second respondent and quash the same and consequently to direct the respondent to issue patta transfer in the name of the petitioner with respect to the property comprising in Survey No.197/5C measuring Acre 0.06 cents situated at Thumbipadi Village, Omalur Taluk, Omalur, Salem District.

For Petitioner : Ms.S.Vinodha

For Respondents : Mr.T.Chezhiyan
Additional Government Pleader

O R D E R

Writ Petition has been filed to call for the records of the impugned order in Na.Ka.No.276/2021/A4 dated .11.2021 issued by the second respondent and quash the same and consequently to direct the respondent to issue patta transfer in the name of the

petitioner with respect to the property comprising in Survey No.197/5C measuring Acre 0.06 cents situated at Thumbipadi Village, Omalur Taluk, Omalur, Salem District.

2. The case of the petitioner is that the petitioner owns a property comprised in S.F.No.197/5C, measuring about 0.06 cents, through a Settlement Deed dated 19.03.2008, executed by his father. Subsequently, the petitioner had applied for patta transfer with the 2nd respondent, in which the Deputy Thasildar and the Village Administrative Officer informed that there is objections to issue patta transfer and further informed that his application was rejected and the petitioner also made several representations seeking patta transfer, however the 2nd respondent has passed the impugned order dated .11.2021, rejecting his patta transfer request. Aggrieved by the same, the petitioner left with no other option, is constrained to approach this Court by filing this Writ Petition.

3. The learned counsel appearing for the petitioner submitted that originally the petitioner is the owner of the property by way of the Settlement Deed executed by his father and he is in possession and enjoyment of the property, however, the 2nd respondent without considering the merits of the case, has mechanically passed the impugned order. It is further stated that the date of impugned order passed by the 2nd respondent is . 11.2021, but the order signed date is 05.10.2021, which shows contradiction in the impugned order and hence the same is liable to be quashed.

4. The learned Additional Government Pleader appearing for the official respondents submitted that the 2nd respondent, following the due process of law and after enquiry, has rightly passed the rejection order and therefore, the same does not warrant interference of this Court and prays for dismissal of this petition.

5. Since no adverse orders are passed against the respondents, notice to them is not necessary and this Court has disposed of this petition based on the available materials.

6. Considering the facts and circumstances of the case, this Court is of the opinion that the application of transfer of patta was rejected by the 2nd respondent on the ground that the parent document was not available with the petitioner and further there is objections to issue patta transfer in favour of the petitioner. Though as alleged by the petitioner that there is discrepancy in the date of signature and issuance of the order, the said ground alone is not sufficient to set aside the impugned order. It appears that the official respondent in due process of law, has issued the impugned order and hence this

Court is not inclined to interfere with the impugned order passed by the 2nd respondent. However there is a provision of appeal before the Revenue Divisional Officer under Section 12 of the Patta Passbook Act, 1983.

7. For the reasons aforesaid, this Writ Petition is dismissed. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. District Collector,
Salem District,
Salem.
2. The Tahsildar,
Kadayampatti Taluk,
Salem District.

+1cc to Mr.S.Vinodha, Advocate, S.R.No.9301

+1cc to the Government Pleader, S.R.No.9248

W.P.No.2183 of 2022
and
W.M.P.Nos.2349 & 2350 of 2022

KK(CO)
RGA(16/03/2022)