



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.4.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.NO.926 OF 2022

1.Mrs.Preetha V.Kannan
2.Mr.Vaanan Vetrivel Kannan
Represented by his Power of Attorney Mrs.Preetha V Kannan
3.Mr.Arun Vetrivel Kannan .. Appellants

vs

1. The Tahsildar, Taluk Office,
Sengadu, Yercaud, Salem-636601.
2. The Village Administrative Officer,
Semmanatham Village,
Yercaud Taluk, Salem. .. Respondents

Prayer:

APPEAL under Clause 15 of the Letters Patent against the order dated 18.2.2022 in W.P.No.2971 of 2022.

Prayer in W.P.No.2971 of 2022:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records on the file of the first respondent in the impugned order dated 12.01.2022 in Proceeding No.87 of 2021(A2) and quash the same and direct the first respondent to update the online patta in favor of the petitioners in survey numbers 38/1, 37/1, and 37/3 at 41-Narthenchedu Village, Yercaud Taluk, Salem District.

For Appellants : Mr.P.J.Rishikesh

For Respondents : Mr.P.Muthukumar,
State Government Pleader



JUDGMENT
(Judgment was delivered by
the Hon'ble Chief Justice)

The writ appeal has been preferred against the order dated 18.2.2022 passed in W.P.No.2971 of 2022 presuming that a finding against the petitioner has been given by the learned Single Judge in paragraph 5 of the impugned order.

2. It is a case where the appellants approached the Tahsildar concerned for transfer of patta. It was declined because the document produced in support of the claim was not containing the required details namely survey number and extent. This order was assailed before the learned Single Judge without taking the alternate remedy. Therefore, the writ petition was dismissed, however, granting liberty to the appellants to avail the alternate remedy.

3. The learned counsel for the appellants submits that in paragraph 5 of the impugned order, a finding on the merits of the case has been recorded by the learned Single Judge.

4. We do not find any finding in the impugned order. Rather, the learned Single had given a reference to the order passed by the Tahsildar rejecting the application for transfer of patta. In any case, we have clarified that no finding has been recorded while dismissing the writ petition. The issue would be decided by the Appellate Authority independently.

5. In view of the above, we do not find any purpose to cause interference with the order passed by the learned Single Judge.

6. Accordingly, the writ appeal is dismissed with the above observation. There will be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

RS



To:

1. The Tahsildar, Taluk Office,
Sengadu, Yercaud, Salem-636601.
2. The Village Administrative Officer,
Semmanatham Village, Yercaud Taluk, Salem.

+lcc to Mr.P.J.Rishikesh *, Advocate, S.R.No.24061
+lcc to the Government Pleader, S.R.No.23670

W.A.No.926 of 2022

SPD(CO)
PM/13/04/2022