



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.6672 of 2022

and W.M.P. (MD) .No.5161 of 2022

WEB COPY

Sivanandi Thevar

.. Petitioner

Vs

1.The District Collector,
Theni District, Theni.

2.The District Revenue Officer,
Theni District, Theni.

3.The Sub Collector cum Revenue Divisional Officer,
Theni at Periyakulam,
Theni District.

4.The Tahsildar,
Periyakulam,
Theni District.

5.The Zonal Deputy Tahsildar,
Periyakulam,
Theni District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent vide his proceedings in Na.Ka.No.36686/2021/Aa1, dated 10.02.2022 and quash the same and further directing the respondents to issue patta to the petitioner for the land comprised in Survey No.736/1B to an extent of 13.05 Acres situated at Pinnathevanpatti, Vadaveeranayackanpatti Village, Theni Sub Division, Theni District.

For Petitioner : Mr.A.Jayaramachandran

For Respondents : Mrs.S.Jeyapriya
Government Advocate

ORDER

This writ petition has been filed challenging the impugned order dated 10.02.2022, passed by the second respondent rejecting the petitioner's application, seeking for issuance of patta in his name for the property comprised in Survey No.736/1B to an extent of 13.05 Acres situated at Pinnathevanpatti, Vadaveeranayackanpatti Village, Theni Sub Division, Theni District.



2.The petitioner has challenged the impugned order on the ground that the said order has been passed in a mechanical manner by total non application of mind to the documents produced by the petitioner. A specific contention has been raised by the petitioner that the subject lands are in his possession and the said lands were allotted to him by the Tamil Nadu Government. A specific stand has also been taken that DKT patta (patta No.3119) has been issued by the 5th respondent in favour of the petitioner and land tax receipts and adangal extract also stands in his name. However, according to the petitioner, by total non application of mind to those documents, by a non speaking order and in a mechanical manner, the second respondent has rejected his application seeking for issuance of patta in his name.

3.Heard Mr.A.Jayaramachandran, learned counsel appearing for the petitioner and Mrs.S.Jeyapriya, learned Government Advocate, who accepts notice on behalf of the respondents.

4.The learned counsel for the petitioner drew the attention of this Court to the DKT patta, adangal extract and land tax receipts standing in the name of the petitioner for the subject property. He would submit that the said documents were also produced before the second respondent. He also drew the attention of this Court to the impugned order, dated 10.02.2022 and would submit that though the stand of the petitioner was recorded in the impugned order, dated 10.02.2022, no reasoning has been given by the second respondent for rejecting those documents. However, according to him, arbitrarily and illegally, the impugned order has been passed in a mechanical manner, rejecting the petitioner's application seeking for issuance of patta for the subject property. He would submit that the impugned order is a non speaking order with regard to the contentions raised by the petitioner as stated supra.

5.After processing and examining the documents filed along with this writ petition as well as the impugned order, this Court arrives at the following conclusions:

- a) The petitioner has filed all the documents namely DKT patta, adangal extract and land tax receipts standing in his name for the subject property before the second respondent and a specific stand has been taken by him that he is in possession and enjoyment of the subject property.
- b) The aforementioned documents relied upon by the petitioner have not been considered in the impugned order, dated 10.02.2022, passed by the second respondent and no reasons have been given by the second respondent with regard to the contentions of the petitioner.
- c) The impugned order, dated 10.02.2022, rejecting the petitioner's patta is a non speaking order with regard to the contentions of the petitioner as well as the documents produced by him as stated supra.
- d) There is also no finding given by the second respondent that the documents produced by the petitioner are bogus documents.



6.For the foregoing reasons, this Court is of the considered view that the impugned order, dated 10.02.2022, passed by the second respondent is a non speaking order with regard to the documents submitted by the petitioner and therefore, the impugned order has to be necessarily quashed and the matter has to be remanded back to the second respondent for fresh consideration on merits and in accordance with law.

7.In the result, the impugned order, dated 10.02.2022, passed by the second respondent is hereby quashed and the matter is remanded back to the second respondent for fresh consideration on merits and in accordance with law, after affording a fair hearing to the petitioner, including granting him the right of personal hearing, within a period of four months from the date of receipt of a copy of this order. The second respondent is directed to consider the contentions of the petitioner as well as the documents produced by him referred to supra on merits and in accordance with law in the final order to be passed by him.

8.With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

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 District Collector, Theni District, Theni.
- 2.The District Revenue Officer, Theni District, Theni.
- 3.The Sub Collector cum Revenue Divisional Officer,
Theni at Periyakulam, Theni District.



4.The Tahsildar, Periyakulam, Theni District.

5.The Zonal Deputy Tahsildar, Periyakulam, Theni District.

+1 CC to M/s.A. JAYARAMACHANDRAN, Advocate (SR-17759[F] dated 11/04/2022)

+1 CC to M/s.SPL.GP. (SR-18108[F] dated 12/04/2022)

W.P. (MD)No.6672 of 2022

11.04.2022

sb (CO)

TR(28.04.2022) 4P 8C