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W.P.No.9462 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2023

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P.No.9462 of 2023
and W.M.P.Nos.9531 and 9532 of 2023

P.Poompavai

...Petitioner

Vs

1 The Revenue Divisional Officer
Kancheepuram,
Kancheepuram District.

2 The Thasildhar
Sriperumbudur Taluk Office,
Sriperumbudur,
Kancheepuram District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for all relevant records relating to the Impugned Rejection Order issued in No Nil, dated 25.01.2022 passed by the 2nd respondent herein and quash the same as arbitrary, unreasonable, improper, illegal, against the rules and regulations, violation to the Principle of Natural Justice and thereby directing the respondents to grant transfer of patta in the name of the petitioner to the petitioner's property namely vacant land situated in Survey No.64/1A1, Santhavellore Village, Sriperamputhur Taluk, Kancheepuram District, in an extent of 2400 Sq.ft within the time frame.

For Petitioner : Mr.S.Srinivasan
For Respondents : Mr.V. Veluchamy
Add.Govt Pleader



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ORDER

With the consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. Heard the learned counsel for the petitioner and Mr.V. Veluchamy, learned Additional Government Pleader appearing for the respondents.

3. Learned counsel for the petitioner would submit that the petitioner had purchased a vacant land on 08.01.1987 through a Registered Sale Deed and she was in possession and enjoyment of the property from the date of purchase of said vacant land. She applied for transfer of patta dated 13.09.2021 through E-Service Centre before the 2nd respondent with necessary documents and records with a request to grant a patta in her name. While presenting the said application, the 2nd respondent had erroneously passed the impugned Rejection Order dated 25.01.2022 by rejecting the application for transfer of patta without assigning any reason. Challenging the said impugned rejection order issued by the 2nd respondent, the petitioner had preferred the appeal



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dated 29.12.2022 before the Appellate authority/1st respondent to set aside the rejection order dated 25.01.2022. The said appeal was kept pending for more than the reasonable time. Since the appeal was not considered by the respondents, the present Writ Petition has been filed.

4. The learned Additional Government Pleader appearing for respondents would submit that eight(8) weeks time limit may be given to the respondents to consider the appeal preferred by the petitioner by calling for enquiry and pass necessary orders.

5. Taking into consideration the nature of relief sought for in this writ petition and also looking into the averments made in this writ petition, this court is of the considered opinion that a duty is cast upon the Statutory Authority viz., respondents to consider the appeal preferred by the petitioner on its own merits and pass appropriate orders.

6. In such view of the matter, without going into the merits of the claim of the petitioner, there shall be a direction to the 1st respondent herein to consider the appeal preferred by the petitioner and pass



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appropriate orders within a period of eight(8) weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition stands disposed of.

No costs. Consequently connected miscellaneous petitions are closed.

28.03.2023

Index: Yes/No
msv

To

- 1 The Revenue Divisional Officer
Kancheepuram,
Kancheepuram District.
- 2 The Thasildhar
Sriperumbudur Taluk Office,
Sriperumbudur,
Kancheepuram District.



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J.NISHA BANU,J.

msv

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