



W.P.No.34750 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.34750 of 2023
and
W.M.P.No.34717 of 2023

T.Shanthi

... Petitioner

versus

1. The District Collector,
Krishnagiri District,
Krishnagiri – 635 001.

2. The Revenue Divisional Officer,
Office of the Revenue Divisional,
Krishnagiri – 635 001.

3. The Tahsildar,
Bargur Tahsildar Office,
Bargur – 635 104.

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the third respondent order of rejection through online dated 27.10.2023 in respect of the petitioner's application No.2028/0105/31/491540 dated 19.08.2023 and quash the same, consequently issue



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direction directing the third respondent to conduct survey of petitioner's land in Survey Number 533 at Varatanapalli Village, Bargur Taluk, Krishnagiri District with appropriate police aid and issue sub-divisional patta by considering the petitioner's application No.2023/0105/31/516536 dated 04.11.2023 and representation dated 21.10.2023.

For Petitioner : Mr.R.Marudhachalamurthy
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

Mr.Yogesh Kannadasan, learned Special Government Pleader accepts notice for the respondents. With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage, itself.

2. This Writ Petition has been filed to quash the rejection order of the third respondent dated 27.10.2023 and consequently to direct the third respondent to conduct survey of petitioner's property in Survey Number 533 at Varatanapalli Village, Bargur Taluk, Krishnagiri District, with appropriate police aid and issue sub-divisional Patta, by considering the



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petitioner's application No.2023/0105/31/516536, dated 04.11.2023 and representation dated 21.10.2023.

3. On a perusal of the impugned order dated 27.10.2023, it is seen that the Tahsildar/third respondent herein rejected the online application of the petitioner only on the ground that the adjacent owners are objecting, however, the Tahsildar has not given any reason as to whether the objections made by the adjacent owners are sustainable or not. Therefore, the impugned order passed by the Tahsildar is not a speaking order and hence, the same is liable to be quashed.

4. Accordingly, the impugned order dated 27.10.2023 passed by the third respondent is quashed and the third respondent is directed to consider the petitioner's application dated 04.11.2023 and pass appropriate orders on merits and in accordance with law, after giving notice to the petitioner, interested parties/rival claimants and adjacent owners of four boundaries of the subject property, and after conducting enquiry, within a period of two months from the date of receipt of a copy of this order.



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5. With the above direction, this Writ Petition is disposed of.

However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

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Krishnagiri – 635 001.
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P.VELMURUGAN, J.

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