



W.P.No.2304 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.03.2024

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.2304 of 2024

Venkatesh. C

... Petitioner

Versus

1. The District Collector
The Office of Collectorate,
Krishnagiri, Krishnagiri District.
2. The Sub-Collector,
The Office of Sub-Collector Hosur,
Krishnagiri District.
3. The Tahsildhar,
The Office of Tahsildhar,
Shoolagiri Town.
4. The Zonal Deputy Tahsildhar,
Shoolagiri Town.

5. Paramasiva
(R5 suo motu impleaded vide order of this
Court dated 02.02.2024)

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus directing the third respondent to transfer of patta in petitioner name based on the petitioner representation dated 07.11.2023.

For Petitioner : Mr.P.Satheesh Kumar

For Respondents : Mr.T.Arunkumar,
Addl. Government Pleader for RR1 to 4

Mr.R.Bharath Kumar for R5

ORDER

This writ petition has been filed seeking direction to the third respondent to transfer of patta in petitioner's name based on his representation dated 07.11.2023.

2 It is the grievance of the petitioner that he applied for transfer of patta through online and his application was dismissed by the fourth respondent by exercising the power of the third respondent, against which, he filed an appeal and the same is pending before the second respondent.



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This Court, by order dated 02.02.2024, *suo motu* impleaded the fifth respondent, who is owner of the adjacent land and directed all the respondents to file counter and the matter was directed to be listed today i.e. 04.03.2024.

4 Today, when the matter is taken up for hearing, the third respondent only filed counter and neither the second respondent nor the first respondent filed their counter. The petitioner has challenged the order of the third respondent and challenging the same he also filed appeal, which is pending before the second respondent. But, the third respondent only once again filed counter, the second respondent, before whom the appeal is pending, did not any counter and the first respondent also did not file counter, which shows the Government officials are thinking that the other respondents namely the superiors need not file counter and they can direct the lower level authority like Village Administrative Officer or others. They thought that it would be enough to direct the lower level authority to respond the Court and in that way they are showing fingers on the lower level authority, which is highly deprecated. All the higher officials are directing the lower level authority to appear before this Court and the higher officials are only watching the Court as



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silent spectator.

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5 Therefore, hereafter, if this Court passes any order, the top most authority has to respond to this Court and they should collect the particulars required by this Court and should maintain the decorum of this Chartered High Court.

6 In this Case, even though, the writ petitioner sought for a direction to the third respondent to issue patta in his favour, the fact remains that as against the order of the third respondent, the petitioner filed appeal, which is pending before the second respondent and hence it would be appropriate to issue direction to the second respondent to dispose of the appeal on merits.

7 Accordingly, the second respondent is directed to issue notice to the petitioner/rival claimants/interested parties including fifth respondent and give opportunity of hearing to all the parties and thereafter dispose of the appeal on merits in accordance with law.



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With the above directions, the writ petition shall stand disposed of.

No costs.

04.03.2024

Index: Yes/No
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P.VELMURUGAN, J.,

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