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W.P. No.7055 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.7055 of 2024 and

W.M.P.No.7880 of 2024

Praveena

... Petitioner

Versus

1.The District Collector,
Thiruvallur District.

2.The Revenue Divisional Officer,
R.K Pettai, Thiruvallur.

3.The Tahsildar,
R.K Pettai Taluk,
Thiruvallur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the record on the file of the third respondent in proceedings Application No.2023/0105/01/484046 dated 20.06.2023 and quash the same as illegal, incompetent and without jurisdiction and further direct the third respondent to issue separate Patta as per registered sale deed No.3755/2021.



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For Petitioner : Mr. A. Arun Kumar
for Ms.R. Poornima
For Respondents : Mr. T. Arun Kumar
Additional Government Pleader.

ORDER

This Writ Petition is filed challenging the proceedings of the 3rd respondent in File No.2023/0105/01/484046 dated 20.06.2023 and quash the same as illegal, incompetent and without jurisdiction and further direct the 3rd respondent to issue separate Patta as per registered sale deed No.3755/2021.

2. The contention of the petitioner is that, he made an application to the 3rd respondent on 28.03.2023 for issuance of separate Patta based on the sale deed dated 15.11.2021 vide Doc.No.3755 of 2021, whereas, the 3rd respondent has passed the impugned order simply stating as “rejected”, without giving any reason . Hence, the present Writ Petition is filed before this Court.



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3. Mr.T.Arun Kumar, Additional Government Pleader takes notice for the respondents.

4. Heard and perused the materials available on record.

5. In the impugned order, the 3rd respondent has stated that “for the reason given here under, action cannot be taken for transfer of Patta” and in the bottom, it is stated that “for the reason stated above your request is not accepted” but reason is only in single word as “rejected” which clearly shows that the 3rd respondent, without application of mind, has passed the order mechanically. Hence, the petitioner has been dragged to this Court, for getting an order of certiorarified Mandamus.

6. In view of the above, this Writ Petition is allowed with cost of Rs.25,000/-. Consequently, connected Miscellaneous Petition is closed.

7. The 3rd respondent is directed to pay the said cost of Rs.25,000/- (Rupees Twenty Five Thousand Only) out of his salary, to the petitioner within a period of fifteen days from the date of receipt of a copy of this



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order and file the payment of receipt before the Registry.

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8. Further, the 3rd respondent is directed to issue fresh notice to the petitioner, interested parties/rival claimants/aggrieved parties/objectors if any, as the case may be and conduct enquiry in the manner known to law and pass orders on merits and in accordance with law, within the time as prescribed in the circular No.R1/2005632/2022 dated 17.07.2023 issued by the Commissioner of Land Administration, from the date of receipt of a copy of this order.

19.03.2024

Index : Yes / No

Speaking Order : Yes / No

Neutral Case Citation : Yes/No

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To
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P.VELMURUGAN. J.

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