



WEB COPY



WP.No.15345 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.15345 of 2024
and W.M.P.No.16667 of 2024

G.Valliammal

.. Petitioner

Versus

1.The Tahsildar
Sholinganallur Taluk
No.1, 1st Cross Street
New Kumaran Nagar
Sholinganallur, Tamil Nadu – 600 119

2.The Zonal Deputy Tahsildar
Sholinganallur Taluk
No.1, 1st Cross Street
New Kumaran Nagar
Sholinganallur, Tamil Nadu – 600 119

3.V.Kumaresan

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned order issued by the 2nd respondent Appl.No.2023/0103/02/212277 dated 21.06.2023 quash the same and consequently directing the Tahsildar, Sholinganallur Taluk (1st respondent) and the Zonal Deputy Tahsildar, Sholinganallur Taluk (2nd respondent) to issue the patta transfer in the name of G.Valliammal (Writ Petitioner) with the correct measurement of area to be in line with the computerized patta (Patta No.182) for the S.No.291/A (2.5 Ares) and 291/1D (1 Ares) earlier issued in the year 2003 in her husband's name deceased Mr.Gajendran S/o.Ratna Naicker, after removing the erroneous patta issued for the old S.No.291/A in the name of Kumaresan.V (3rd respondent) by assigning new Survey No.291/1A2 (1.70 Ares).

<https://www.mhc.tn.gov.in/judis>



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For Petitioner : Mr.S.Kathiravan

For Respondents : Mr.A.Selvendran for R1 & R2
Special Government Pleader

ORDER

Challenge has been made against the order of the second respondent, quash the same and consequently direct the official respondents to issue patta transfer in the name of the petitioner.

2. It is the case of the writ petitioner that originally patta stood in the name of the petitioner's husband for the extent of 3.5 Ares. However, while transfer of patta in the name of the petitioner, the extent has been reduced. In this regard, she has given a representation for transfer of patta once again, however, now the impugned order has been passed without any reasons. Hence, this writ petition.

3. The learned Special Government Pleader fairly submitted that the impugned order do not contain any reasons and the same is liable to be set aside.

4. Heard both sides and perused the materials placed on record.



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5. Since, no adverse order is passed against the third respondent, notice to the third respondent is dispensed with. With the consent of both parties, this writ petition is taken up for final disposal.

6. On perusal of the impugned order, it would indicate that the order is passed rejecting the request of the petitioner simply without indicating any reasons whatsoever. This Court is of the view that any order affecting the rights of the parties passed without assigning reasons is a nullity in the eye of law. Such view of the matter, the impugned order stands quashed and the matter is remitted back for a *de novo* consideration to the first respondent and the first respondent is directed pass appropriate order after giving proper opportunity of hearing to the petitioner as well as any other interested persons within a period of two months from the date of receipt of a copy of this Order.

7. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

18.06.2024

dhk

Index : Yes/No

Neutral Citation : Yes/No



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N. SATHISH KUMAR, J.

dhk

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