



WEB COPY



WP.No.10814 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.10814 of 2024 & WMP.No.11914 of 2024

Murugan

.. Petitioner

Versus

1. The District,
Dharmapuri District, Dharmapuri.

2. The Revenue Divisional Officer,
Dharmapuri.

3. The Tahsildar,
Nallampalli Taluk, Dharmapuri District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to impugned Order passed by the third respondent in File No.2021/0103/05/154039 dated 11.10.2021 and consequently direct the third respondent to transfer patta in favour of the petitioner based on the application made by the petitioner on 11.10.2021 vide online application number for Patta Transfer No.2021/0103/05/154039, within a stipulated time.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.U.Baranidharan
Additional Government Pleader

ORDER



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

2. This Writ Petition is filed to quash the impugned Order passed by the third respondent in File No.2021/0103/05/154039 dated 11.10.2021 and consequently direct the third respondent to transfer patta in favour of the petitioner based on the application made by him on 11.10.2021 within a stipulated time.

3. Heard learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

4. The case of the petitioner is that when he applied for transfer of patta on the basis of the settlement deed executed by his father, the same has been rejected on the ground that the death certificate and legal heir certificate of the patta holder has not been produced. Challenging the same, the present Writ Petition has been filed.

5. The learned counsel appearing for the petitioner submitted that they had already submitted the death certificate and the legal heir certificate of the



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patta holder before the third respondent.

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6. A perusal of the impugned order indicates that the petitioner has purchased the property from the legal heirs of patta holder. Whereas, the contention of the petitioner is that he has obtained the property by way of a settlement. This fact itself clearly indicates that the impugned Order is a result of non application of mind and such refusal Orders have been made casually. In such view of the matter, the impugned Order is liable to be quashed.

7. Accordingly, this Writ Petition is allowed and the impugned Order of the third respondent dated 11.10.2021 is quashed. The petitioner is once again directed to produce the death certificate and legal heir certificate of the patta holder before the third respondent and on such production, the third respondent is directed to pass Order on the application of the petitioner dated 11.10.2021 within a period of one month from the date of receipt of a copy of this Order. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No



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N. SATHISH KUMAR, J.

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