



WEB COPY

W.P.No.17960 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.17960 of 2024
and WMP.No.19693 of 2024

P.Prabakaran

... Petitioner

vs

The Tahsildar
Taluk Office,
Sathiyamangalam
Gobichettipalayam, Erode District.

...

Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to order dated 11.06.2024 in ref.No.2024/0103/10/455860 passed by the respondent and quash the same and to direct the respondents to conduct summary in pursuance petitioner's representation dated 22.05.2024 as contemplated under 31(7) of Standing orders of the Board of Revenue and issue patta to the petitioner in respect of the house site bearing the SF.No.106/22B – (Old SF.No.18) Allathukombai Village, Sathyamangalam Taluk, Sub Registration District, Gobichettipalayam Registration District within a time frame.

For Petitioner	:	Mr.G.D.Stalin
For Respondent	:	Mr.A.Selvendran Spl Government Pleader

ORDER



By consent of both sides, this Writ Petition is disposed of at the stage of admission itself.

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2.The case of the petitioner is that he had purchased an extent of 10cents vide sale deed in Doc.No.3214/2024 dated 22.05.2024 on the file of the Sub Registrar, Sathiyamangalam, Erode District. Pursuant to the said sale, on the same day the petitioner applied for change of name in the patta. The respondent without giving an opportunity of hearing and without assigning any reasons rejected the application of the petitioner for name transfer. Hence, the present petition.

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

4. The impugned order in the writ petition cannot be sustained in the eye of law for the simple reason that it does not contain any reasons, further there is no reference or what so ever with regard to the opportunity being granted to the petitioner. The request of the petitioner has been rejected simply on the ground that the petitioner is not in possession of the property. It is relevant to note that the petitioner purchased the house site on



22.05.2024 and immediately applied for transfer of name in the patna.

Therefore without even giving opportunity to the petitioner, just rejected the application of the petitioner, indicating it is clear non application of mind by the authorities.

5. The law is well settled, as per vacant site is concerned, the possession follows title, one cannot expect any other document such as adangal and chitta particularly when application has been made immediately after the registration of sale deed.

6. Considering the fact, the order impugned dated 11.06.2024 passed by the respondent is hereby set aside. The matter is remitted back to the Tahsildar, Taluk Officer, Sathiyamangalam, Gobichettipalayam, Erode District for fresh consideration and to pass orders on merits and in accordance with law. Taking note of the fact, as per the vacant site is concerned, title is paramount consideration to decide the possession.



7. With the above observation, this Writ Petition is allowed. No costs.

Consequently, connected miscellaneous petition is closed.

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Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

The Tahsildar
Taluk Office,
Sathiyamangalam
Gobichettipalayam, Erode District.



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N.SATHISH KUMAR, J.

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