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W.No.22855 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2024

CORAM

THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.22855 of 2024

Shamshad Begum

...Petitioner

Vs.

1. The Tahsildar,
Coonoor, Nilgiris District.
2. Zamruth Begum
3. Asmath Bi
4. Zubeida begum
5. Mumtaj Begum

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the first respondent dated 23.11.2023 in rejecting the application No.2023/0154/11/000754 and quash the same and consequently direct the first respondent to issue patta in respect of the petitioner's property in S.No.14/1A, Ward C, Block 14, Coonoor Town and Taluk, Nilgiris District measuring 3110.7sq.ft. as sought vide on-line application dated 26.10.2023 in application No.2023/0154/11/00.



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W.No.22855 of 2024

For Petitioner : Mr.I.Kowser Nissar
For R1 : Mr.D.Gopal
Government Advocate

ORDER

Aggrieved by the order passed by the first respondent rejecting the application submitted by the petitioner in application No. 2023/0154/11/000754 seeking transfer of patta in her property in Survey No. 14/1A, Ward C, Block 14, Coonoor Town and Taluk, Nilgiris District, the petitioner has come up by way of this writ petition.

2. The impugned order is the SMS communication received by the petitioner from the first respondent informing that his on-line application dated 23.11.2023 was rejected.

3. On 12.08.2024, when the writ petition came up for admission, the learned Additional Government Pleader taking notice for the first respondent was directed to find out whether any speaking order was passed by the first respondent rejecting the application of the petitioner.



W.No.22855 of 2024

WEB COPY

4. On 27.08.2024, the Learned Government Advocate, on written instructions from the first respondent, submitted that no speaking order was passed by the first respondent and the on-line application of the petitioner was rejected and the same was communicated to the petitioner through on-line.

5. Since no speaking order was passed by the first respondent rejecting the application of the petitioner, the same cannot be accepted by this court. Accordingly, the impugned communication is set-aside. The respondent is directed to consider the on-line application of the petitioner dated 23.11.2023 and pass final orders on its own merits and pass a speaking order within a period of six weeks from the date of receipt of copy of this order and communicate the same to the petitioner.

6. The Writ Petition stands allowed on the above terms. No costs.

25.09.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order



W.No.22855 of 2024

S. SOUNTHAR, J.

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To

The Tahsildar,
Coonoor, Nilgiris District.

W.P No.22855 of 2024

25.09.2024
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