



WEB COPY



W.P.No.23441 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.23441 of 2024
and
W.M.P.No.25612 of 2024

Manikandan

... Petitioner

VS.

Zonal Deputy Tahsildar
Uthangarai, Krishnagiri District.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in impugned order passed by the respondent in reference number Ref.No.2024/0103/31/334797 dated 24.06.2024 and quash the same and consequently, direct the respondent to consider his application dated 24.06.2024 and to issue patta in the Petitioner's favour, based on the Will in Doc.No.58/1996 dated 09.09.1996 on the file of the SRO, Uthangarai within stipulated time as may be fixed by this Court.

For Petitioner : Mr.S.Viswanathan
for M/s.Dass and Viswa Associates

For Respondent : Mr.A.Selvendran
Special Government Pleader



W.P.No.23441 of 2024

ORDER

WEB COPY

Challenging the order passed by the respondent rejecting the request of the petitioner seeking transfer of patta, the petitioner has come by way of this writ petition.

2. According to the petitioner, 32 cents of land in S.No.80/2 in Nagalpatti Village, Uthangarai Taluk, Krishangiri District belongs to him under a registered Will dated 09.09.1996 executed by his grandfather Muthu Gounder S/o. Kolandha Gounder vide Document No.58/1996 on the file of Sub-Registrar Office, Uthangarai. On the strength of the testamentary document, the petitioner filed an application before the respondent seeking issue of joint patta in his name and in the name of his brother. The same was rejected by the impugned order dated 24.06.2024. Therefore, the petitioner has come by way of this writ petition.

3. The learned counsel appearing for the petitioner submitted that impugned order is a one line non-speaking order, therefore, the same is liable to be set aside.



W.P.No.23441 of 2024

4. The learned Special Government Pleader appearing for the respondent would submit that request of the petitioner was negated by a detailed order passed by the respondent. The copy of the order passed by the respondent is also produced before this Court.

5. A reading of the same would indicate that the revenue records stands in the name of one Govindan S/o.Muthu Gounder, who happens to be the paternal uncle of the petitioner. The petitioner is not claiming any right under the said Govindan. But he relied on the Will executed by Govindan's father Muthu Gounder. Therefore, the request of the petitioner for mutation of the revenue records and issue of Joint Patta has been rejected by the respondent.

6. The learned counsel appearing for the petitioner submitted that the impugned order passed by the respondent was communicated to him only today.

7. The impugned order produced in the typed-set of papers is only online communication regarding the status of the application submitted by



W.P.No.23441 of 2024

the petitioner seeking issue of joint patta. By taking print out of the online status, the petitioner has filed this writ petition without waiting for the detailed order passed by the respondent. Now, the detailed speaking order passed by the respondent is served to the petitioner and therefore, it is for him to challenge it in the manner known to law by filing an appeal before Revenue Divisional Officer, Krishnagiri, who is Competent Authority to entertain the appeal from the impugned order.

8. Accordingly, the Writ Petition is dismissed with liberty to the petitioner to challenge the order before the Revenue Divisional Officer, Krishnagiri. No costs. Consequently, the connected writ miscellaneous petition is closed.

30.08.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



W.P.No.23441 of 2024

To

WEB COM

Zonal Deputy Tahsildar
Uthangarai, Krishnagiri District.



WEB COPY



W.P.No.23441 of 2024

S.SOUNTHAR, J.

dm

W.P.No.23441 of 2024

30.08.2024