



WEB COPY



W.P.No.26005 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.26005 of 2024
and
W.M.P.No.28411 of 2024

K.Sameena Begum

Vs

Petitioner

The Thasildhar
Office of the Thasildhar,
Gudiyatham Taluk,
Vellore District.

...

Respondent

PRAYER: This writ petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records of the respondent by its File No.2024/0153/04/002309 dated 02.08.2024 and quash the same and further directing the respondent to issue full field patta transfer in view of the petitioner's online application dated 01.07.2024.

For Petitioner : Ms.Jayashree.G.
for S.Arivazhagan

For Respondent : Mr.A.Selvendran
Special Government Pleader



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ORDER

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The petitioner herein has filed this writ petition aggrieved by the order passed by the respondent rejecting the patta transfer application filed by the petitioner on the ground that Court case was pending in respect of the property situated in survey No.89/2A3.

2.The learned counsel appearing for the petitioner submits that the impugned order is a non speaking order passed without hearing the petitioner. Therefore, the same is liable to be set aside on the ground of violation of natural justice principles.

3.When the matter came up for hearing on 09.09.2024, the Additional Government Pleader had taken notice for the respondent. He was directed to take instructions from the respondent as to whether any enquiry was conducted and detailed order was passed on the application submitted by the petitioner for seeking transfer of patta in respect of the land situated in Old Town Survey No.89/2 New T.S.No.89/2A3, Block 2, Ward – 1, 3rd New Aaliyaar Street, Tharanampettai, Gudiyatham Town and Taluk, Vellore District.



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4.The learned Special Government Pleader, on written instructions from the respondent in R.C.2833/2024/B dated 24.10.2024, submits that prior to passing the impugned order, no enquiry was conducted and no detailed order was passed.

5.Since the impugned order rejecting the petitioner's onLine application was passed without giving any opportunity to the petitioner, the same is liable to be set aside on the ground of violation of natural justice principles. Further, the impugned order is only an onLine entry mentioning rejection of the application. However, the respondent has not passed any detailed order giving reasons for rejection of the petitioner's application. It is stated by the petitioner in the affidavit that in respect of subject property, there is no court case pending, though, in the impugned order, it was stated that the application of the petitioner was rejected on the ground of pendency of Court case. The respondent has not produced any material before this Court to show that a civil suit is pending in respect of subject property. In the written instructions, the respondent mentioned about the civil litigations, however, the details of the same was not furnished to the



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petitioner or produced before this Court. The petitioner was not given an opportunity to put forth her case as to whether the litigation was relating to the suit property and the petitioner was arrayed as party to the said litigation. In these circumstances, the impugned order cannot be allowed to stand and it is liable to be set aside. Accordingly, the impugned order is quashed and the matter is remitted back to the file of the respondent.

With the above directions, the writ petition stands disposed of. The respondent is directed to give reasonable opportunity to the petitioner and pass a speaking order within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
sms

25.10.2024

To
The Thasildhar
Office of the Thasildhar,
Gudiyatham Taluk,
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S.SOUNTHAR,J.

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