



P.T.ASHA, J.

The above matter has been listed under the caption for being mentioned as two errors have occurred in the order dated 04.12.2024.

2.The line about six, in page three of the said order (in paragraph No.2), 28 cents has to be read as 23 cents and at the end of the said paragraph No.2, the following has to be added.

“Today an order dated 10.10.2024 passed by the fourth respondent has been produced where once again the petitioner's request has been rejected without notice to the petitioner and hearing the petitioner. Therefore, this order shall also not to be considered by the authorities while passing orders fresh.”

3.The said addition shall be incorporated and fresh order copy shall be issued to the petitioner.

06.01.2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.No.27993 of 2024

and

W.M.P.Nos.30547 and 30548 of 2024

1. R.Rajesh
2. R.Rajmohan

... Petitioners

Vs.

1. The District Revenue Officer,
The District Collector Office,
Cuddalore – 607 001.
2. The District Land Head Surveyor,
The District Collector Office,
Cuddalore – 607 001.
3. The Revenue Divisional Officer,
Chidambaram,
Cuddalore District – 608 001.
4. The Tahsildar,
Bhuvanagiri,
Cuddalore District – 608 001.

5. S.Anbazhagan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records of the order bearing Goppu No.2023/0105/18/318575 dated 18.07.2023 passed by the Fourth Respondent and quash the same and further direct the fourth respondent to survey the land measuring about 46 cents situated at Survey Number 208/2F, 208/2F2A in Senthiyathope Village, Bhuvanagiri Taluk, Cuddalore District and issue patta in favour of the petitioners to an extent of 23 cents which they



are entitled to the aforesaid survey number.



For Petitioner : Mr.K.S.Viswanathan
Senior Counsel
for M/s.T.Hemalatha
For R1 to R4 : Mr.A.Selvendran
Special Government Pleader

ORDER

Mr.A.Selvendran, learned Special Government Pleader takes notice on behalf of the Respondents 1 to 4.

2. Aggrieved by one line non speaking order dismissing the petitioners request for transfer of Patta made vide A.No.2023/0105/18/318575 dated 22.05.2023, the petitioners is before this Court seeking issue Writ of Certiorarified Mandamus to quash the said Order dated 18.07.2023 passed by the 4th respondent and direct the 4th respondent to survey the subject property and issue Patta in favour of the petitioners to an extent of 23 cents. The petitioners contention is that the property measuring 46 cents situated at 22/2, North Main Road, Sethiyathope comprised in S.No.208/2 Bhuvanagiri TK, Cuddalore District belonged to his grandfather Mr.Sandrakasu by way of a oral family partition. The petitioners grandfather had executed two Settlement Deeds settling 28 cents in favour of one S.Anbazhagan the paternal uncle of the petitioner and 23 cents in favour of the petitioners herein who are the sons of the Rajendran, the elder son of Mr.Sandrakasu. The petitioners had therefore



made an application for survey and transfer of Patta. It is this application which has been rejected and which is the subject matter of the present Writ Petition.

The 4th respondent has simply rejected the application without giving any reasons. Such order cannot be sustained and therefore, the Impugned Order is quashed.

3. Accordingly, the Writ Petition is allowed with a direction to the 4th respondent to remit the case for fresh consideration. The 4th respondent shall issue notice to the petitioner and the interested parties and afford them an opportunity of personal hearing and thereafter, pass orders to survey the subject property and to issue Patta within a period of four (4) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

04.12.2024

Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation : Yes/No
rgm



WEB COPY



To

1. The District Revenue Officer,
The District Collector Office,
Cuddalore – 607 001.
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