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W.P.No.30138 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.30138 of 2024

E.Selvaperumal
...Petitioner

Vs.

1. The Deputy Thasildar,
Uthukottai Taluk, Uthukottai & PO,
Thiruvallur District - 602 026.
2. The Village Administrative Officer,
Tharakshi Village, Uthukottai Taluk,
Thiruvallur District. - 602 026.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of certiorarified Mandamus, call for records pertaining to proceedings No.2024/0103/01/414524 dated 11.08.2024 on the file of the first respondent and quash the same thereby directing the first respondent to transfer patta to my name in respect of the agricultural lands in S.No.209/2H with extent 0.13.5 ares situated at Tharakshi Village, Uthukottai Taluk, Thiruvallur District.



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For Petitioner : Dr.S.S.Swaminathan

For Respondents : Mr.S.J.Sathik Mohamed
Government Advocate

ORDER

Aggrieved by the order passed by the second respondent rejecting the application filed by the petitioner seeking transfer of patta, the petitioner has come to this Court with the present writ petition.

2.It is the case of the petitioner that he purchased the property measuring to an extent of 0.13.5 ares in survey No.209/2H, situated at Tharakshi Revenue Village, Uthukottai Taluk, Thiruvallur District under sale deed dated 28.12.2006 and patta for the said property stands in the name of the petitioner's vendor T.R.Duraisamy Reddy. The petitioner is in possession and enjoyment of the property from the date of purchase. While so, his possession was interfered with by one Selvi, Wife of Saravanan and hence, he filed a suit in O.S.No.222 of 2007 on the file of the District Munsif cum Judicial Magistrate Court, Uthukottai and the said suit was decreed in favour



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of the petitioner on 29.06.2017. Aggrieved by the same, the defendants in the suit filed an appeal in A.S.No.6 of 2018 on the file of the Sub Court, Thiruvallur and the same was dismissed on 05.10.2021. Thereafter, the petitioner submitted an on-line application dated 11.08.2024 before the second respondent seeking transfer of patta in his favour and the same was rejected by the second respondent as per the entry in the on-line portal, which is impugned in this writ petition.

3.When the writ petition was taken up for hearing, Mr.S.J.Sathik Mohamed, who takes notice for the respondents, on instructions, submitted that the second respondent has not passed any detailed order and the entry was made in the on-line portal rejecting the application of the petitioner on the ground that the Civil Court appeal is pending.

4.Since the impugned order is a non-speaking one, the same cannot be countenanced by this court. Further, the petitioner asserted that the rival claimant's appeal was dismissed by the civil court as early as on 05.10.2021. In these circumstances, this Court is inclined to set aside the order impugned in this writ petition and accordingly, this writ petition stands allowed. The matter



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is remitted back to the second respondent with a direction to consider the petitioner's on-line application dated 11.08.2024 and pass final orders, after affording an opportunity to the petitioner and rival parties, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

17.10.2024

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

To

1. The Deputy Thasildar,
Uthukottai Taluk, Uthukottai & PO,
Thiruvallur District - 602 026.
2. The Village Administrative Officer,
Tharakshi Village, Uthukottai Taluk,
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S. SOUNTHAR, J.

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