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W.P. No.29822 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P. No.29822 of 2024
and
W.M.P. No.32520 of 2024

Thenmozhi

... Petitioner

Vs.

1.The District Collector,
Coimbatore District,
Pincode-641 018.

2.The Revenue Divisional Officer,
Coimbatore, Pincode-641 018.

3.The Tahsildar,
Annur(II) Taluk,
Coimbatore District,
Pincode-641 653.

4.The Zonal Deputy Tahsildar,
Annur (II) Taluk,
Coimbatore District,
Pincode-641 653.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying to issue a Writ of Certiorarified Mandamus calling for the records
pertaining to the impugned order dated 13.07.2024 passed by the 4th



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Respondent/Zonal Deputy Tahsildar in petitioner's patta transfer Application

No.2024/0103/12/593871 dated 29.06.2024 and quash the same as arbitrary, illegal and void and consequently direct the 3rd Respondent/ Tahsildar to issue patta to the petitioner based on the registered settlement deed Document No.4397/2022 dated 01.04.2022 executed in petitioner's name by her husband Mr.G.Ranganathan for the properties comprised in Survey No.48/1 measuring an extent of acre 1.76 cents out of acre 5.86 cents and Survey No.48/2 measuring an extent of acre 1.64 cents out of acre 4.98 cents situated at Pillayapampalayam Village, Annur Taluk, Coimbatore District within a stipulated time.

For Petitioner : Mr.R.Venkatesulu

For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

Challenging the impugned order passed by the 4th Respondent rejecting the application filed by the petitioner seeking issue of patta in respect of the property situated in Survey No.48/1 measuring an extent of acre 1.76 cents out of acre 5.86 cents and Survey No.48/2 measuring an extent of acre 1.64 cents out of acre 4.98 cents situated at Pillayapampalayam Village, Annur Taluk, Coimbatore District, the petitioner has come before this Court.



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2. It is the case of the petitioner that the above mentioned property was settled by her husband in her favour by settlement deed dated 01.04.2022. Later she submitted an application seeking mutation of revenue records in application No.2024/0103/12/593871. The said application was rejected by the 4th Respondent by making an entry in the web portal.

3. When the writ petition came up for hearing on 15.10.2024, the learned Additional Government Pleader had taken notice for the Respondents and he was directed to get instructions whether detailed order was passed by the Respondents before making entry in the official website rejecting the application filed by the petitioner.

4. Today, the learned Special Government Pleader appearing for the Respondents, on instructions submits, that the petitioner's husband Ranganathan himself filed application seeking mutation of revenue records. Therefore, the application submitted by the petitioner has been rejected. However, the learned Additional Government Pleader submits that no detailed order has been passed after hearing the petitioner.



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5. In view of the submission made by the Special Government Pleader that no detailed order was passed by affording opportunity to the petitioner, the impugned order is liable to be set aside for violation of natural justice principles. Accordingly, the writ petition stands allowed, the matter is remitted back to the file of the 4th Respondent with a direction to afford opportunity to the petitioner and pass detailed order within a period of 8 weeks from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed. No costs.

29.10.2024

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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S. SOUNTHAR, J.

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