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W.P. No.30660 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P. No.30660 of 2024
and
W.M.P. No.33273 of 2024

K.Mythili

... Petitioner

Vs.

1.The District Collector,
Coimbatore District,
Coimbatore – 641 001.

2.The Tahsildar,
Tahsildar Office,
Pollachi, Coimbatore District.

3.Zonal Deputy Tahsildar,
Tahsildhar Office,
Pollachi, Coimbatore District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the proceedings dated 29.02.2024 on the file of the 3rd Respondent and quash the same and thereby the 3rd Respondent may be directed to conduct an enquiry and issue patta in favour of the petitioner.

For Petitioner

: Mr.C.Veeraraghavan



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For Respondents

: Mr.A.Selvendran
Special Government Pleader

ORDER

The petitioner herein has filed this writ petition challenging the order passed by the 3rd Respondent rejecting the request of the petitioner for transfer of patta through entry in online portal.

2. It is the case of the petitioner that 2970 sq.ft. of land in Plot No.6 Survey No.98/2, Kittsoorampalayam Village, Pollachi Taluk, Coimbatore District was settled in favour of the petitioner by her mother under registered sale deed dated 22.12.2023. The petitioner's mother Bagyalakshmi purchased the subject property under registered sale deed dated 20.02.2020 from one Vasanthi. Based on the registered document in her favour, the petitioner submitted an online application seeking transfer of patta in her favour in application I.D.No. 2024/0103/12/551165. The said application submitted by the petitioner was rejected by the 3rd Respondent by online entry. Aggrieved by the same, the petitioner has come before this Court.

3. The learned counsel for the petitioner submits that the online application of the petitioner was rejected by the 3rd Respondent by online entry



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without conducting any enquiry by affording opportunity to the petitioner.

Therefore, it is the submission of the learned counsel for the petitioner that the impugned order is a clear violation of principles of natural justice.

4. The learned Additional Government Pleader appearing for the Respondents on written instructions from the 2nd Respondent in his letter bearing Ref.No.3561/2024/B1 dated 26.10.2024 submits that in respect of the subject property, a Civil Suit was filed by one Shanmugavel and Gunasekaran in O.S.No.51 of 2021 on the file of the District Munsif Court, Pollachi, seeking direction to the 2nd Respondent to cancel inclusion of 1 acre and 26 cents in Survey No.97. Therefore, the online application submitted by the petitioner was rejecting citing the pendency of the Civil Suit filed by third parties.

5. A perusal of the written instructions submitted by the 2nd Respondent would indicate that no enquiry was conducted pursuant to the online application submitted by the petitioner and no opportunity was given to her to put forth her case. Therefore, the impugned order is vitiated by violation of the principles of natural justice.

6. Hence, the writ petition stands allowed and the matter is remitted back



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to the file of the 2nd Respondent with a direction to consider the online application of the petitioner in application I.D.No.2024/0103/12/551165 and pass final orders on its own merits within a period of 8 weeks from the date of receipt of a copy of this order after affording due opportunity to the petitioner and the objector/ rival claimants.

7. Accordingly, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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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