



W.P.No.31806 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 31806 of 2024
&
W.M.P.No. 34566 of 2024

Thenmozhi

...Petitioner

Vs.

1.The District Collector,
Coimbatore District,
Pin Code – 641 018.

2.The Revenue Divisional Officer,
Coimbatore, Pin Code – 641 018.

3.The Tahsildar,
Annur (II) Taluk,
Coimbatore District,
Pin Code – 641 653.

4.The Zonal Deputy Tahsildar,
Annur (II) Taluk,
Coimbatore District,



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Pin Code – 641 653.

...Respondents

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Prayer: Writ Petition is filed under Article 226 to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 15-05-2022 passed by the 4th respondent/Zonal Deputy Tahsildar in petitioner's Patta transfer Application No.2022/0103/12/373765 dated 19-04-2022 and quash the same as arbitrary, illegal and void and consequently direct the 3rd respondent/Tahsildar to issue Patta to my property pertaining to the Survey No.45/1A2 measuring an extent of Acre 0.01 Ares (2.47 cents) situated at Pillayapampalayam Village, Annur Taluk, Coimbatore District, on the basis of the registered partition deed No.1356/1983 dated 21-11-1983 and registered settlement deed Document No.4397/2022 dated 01-04-2022.

For Petitioner : Mr. R.Venkatesulu

For Respondents : Mr. R.P.Murugan Raja
1 to 4. Government Advocate.



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ORDER

Challenging the non speaking order rejecting the application of the petitioner seeking a patta transfer, the petitioner is before this Court.

2. Heard the learned counsels on the either side and perused the records.

3. A mere perusal of the impugned order which has been enclosed in the typed set of papers would clearly show that the impugned order is a non speaking order passed even without hearing the petitioner or issuing him a notice about the reasons for the rejection. The impugned order would read as follows:

“The application 2022/0103/12/373765 is rejected



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by Zonal Deputy Tahsildar on 15.05.2022”.

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4. Taking into account the above fact, the impugned order is set aside and the matter is remitted back to the 4th respondent to consider the matter afresh after affording opportunity to the petitioner to produce the documents and make submissions. Thereafter, the 4th respondent shall pass a speaking order. The said exercise shall be concluded within a period of 4 weeks from the date of receipt of a copy of this order.

5. The Writ Petition is allowed. Consequently, the connected miscellaneous petition is closed. No costs.

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Index : Yes/No
Internet : Yes/No



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