



WEB COPY



W.P.No.32720 of 2024,

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.32720 of 2024
and
W.M.P.No.35623 of 2024

Vinitha

... Petitioner

Vs.

1.The District Collector,
District Collectorate
Dharmauri -5

2.The Tahsildar
Tahsildhar Office Palacode,
Dharampuri District 636 808

3.The Village Administrative Officer
Chettihalli Village
Pappinayakkanaalli Post
Palacode Taluk,
Dharmapuri District

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records of the 2d respondent rejected online copy dated 02.05.2024 and quash the same and consequently direct the 2nd respondent to transfer patta in the name of the petitioner in survey No. 3/1A2 punjai Hectare



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0.07.28, Chettihalli Village, palacode Taluk, Dharmapuri and pass such further or other orders as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.

For Petitioner : M/s.M.Selvam

For Respondents : M/s.A.Selvendran, Special GP,
for R1 to R3.

ORDER

The petitioner has filed the above Writ Petition seeking to quash the order of the 2nd respondent dated 02.05.2024 in and by which the petitioner's application for transfer of patta has been rejected and consequentially direct the 2nd respondent to transfer the patta in favour of the petitioner in respect of the property measuring an extent of 0.07.28 hectares, situate at S.No.3/1A2, Chettihalli Village, Palacode Taluk, Dharmapuri.

2. The petitioner would submit that the property situate in the above survey number belong to his father Mathaiyan. The above properties had been obtained by the said Mathaiyan through Patta No.96. The petitioner's father Mathaiyan had executed a settlement deed dated 03.01.2024 in his favour and the same was registered as Document No.31/2024, on the file of the Sub Registrar Office, Palacode. Thereafter, the petitioner had submitted



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an online application dated 31.01.2024 for transfer of patta and since the said application was not considered, he had made a representation to the respondents on 08.02.2024. However, without assigning any reason, the said application has been rejected by the impugned order dated 02.05.2024. Therefore, the petitioner is before this Court.

3. Heard the learned counsel on either side.

4. A mere perusal of the impugned order would clearly show that it is a non-speaking order and passed without affording an opportunity to the petitioner. Therefore, the writ petition is allowed, the impugned order passed by the 2nd respondent dated 02.05.2024 is quashed and the matter is remitted back to the 2nd respondent. The 2nd respondent is directed to take up the matter afresh and dispose of the same after affording an opportunity to the petitioner, within a period of 8 weeks from the date of receipt of a copy of this order. In case of a rejection, a speaking order shall be passed. No costs. Consequently the connected Miscellaneous Petition is closed.

08.11.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



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