



W.P.No.33264 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.33264 of 2024

S.Shanmugam

... Petitioner

Vs.

1.The District Collector

O/O District Collector, Erode, Erode District

2.The Tahsildar

Gobichettipalayam, Erode,

3.The Block Development Officer

Gobichettipalayam Erode,

4.The Village Administrative Officer

Allumkuli Village, Gobichettipalayam,
Erode 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 pertaining in Na.Ka.3783/2024/A4 dated 09.07.2024 issued by the 2nd respondent and quash the same as illegal and arbitrary and consequently direct the 1st and 2nd respondents to issue transfer of Patta in the name of the petitioner in Survey No 199/2 (Old S. No 233-B) Acre 1.35



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1/2 cents Patta No. 14, Allunkuli Village, Gobichettipalayam, Erode District.

For Petitioner : M/s.P.Tamilavel

For Respondents : M/s.T.M.Rajangan., Govt. Advocate
for R1 to R4.

ORDER

Challenging the order rejecting the petitioner's request for transfer of patta, the petitioner is before this Court.

2. The land comprised in S.No.199/2 (Old S.No.233-B), Hec.1.09.5, Patta No.14, Allunkulli Village, Gobichettipalayam, Erode District, originally belonged of the petitioner's grand father who was allotted a conditional patta. On his death, the said property devolved on the petitioner's father Subbhian @ Subramaniam and his brother Periyannan @ Senni. The petitioner's father died on 27.09.2004 leaving behind only the petitioner to succeed to his estate. His paternal uncle, Periyannan @ Senni had passed away on 23.03.2022 leaving behind his sons Balasubramanian and Vishwanthan. The petitioner being the only legal heirs of his father has taken steps to have the patta transferred in his name. However, the 2nd respondent had passed the impugned order stating that the petitioner's father had been issued with a conditional patta and the



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conditional patta cannot be converted into an Ayan Patta and further the conditional patta did not permit the transfer of the property. Challenging the same, the petitioner is before this Court.

3. Heard the counsels on either side and perused the records.

4. The non-application of mind on the part of the 2nd respondent is evident on perusing the impugned order. The petitioner seeks to have the patta transferred only as the legal representatives of his father who had inherited the property from the original patta holder along with his brother. The reason for rejecting the petitioner's request cannot be sustained and accordingly the Writ Petition is allowed and the impugned order passed by the 2nd respondent in Na.Ka.3783/2024/A4 dated 09.07.2024 is set aside. The Respondents 1 and 2 are directed to transfer patta in the name of the petitioner, within a period of 6 weeks from the date of receipt of a copy of this order. No costs.

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(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



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To

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P.T. ASHA. J.,

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