



W.P.No.34498 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 34498 of 2024

&

W.M.P.Nos. 37398 & 37399 of 2024

1.G.Chakrapani

2.Yuvaraj

...Petitioners

Vs.

1.The Tashildhar
Uttukottai Taluk.

2.The Deputy Tashildar
Uttukottai Taluk

...Respondents

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent rejecting the patta transfer application 2024/0103/01/426158 dated 19.10.2024 and quash the same and thereby direct the respondent to transfer the patta in favour of the petitioners in respect of the properties



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in Survey Nos.14/1-61 Cents, 14/2-30 Cents, 14/4 -28 Cents, 10/5-22 Cents, 11/7-12 1/4 Cents 11/5-39 3/4 Cents all situate at Aamithanallur Village , Uttukottai Taluk, Thiruvallur District.

For Petitioners : Mr. N.Suresh

For Respondents : Mr. A.Senvendran
1 & 2 Special Government Pleader.

ORDER

Challenging the order passed the 2nd respondent dated 19.10.2024 rejecting the patta transfer application of the petitioner the present Writ Petition has been filed.

2. The 1st petitioner purchased the property in question from one Elumalai under a registered sale deed dated 15.03.2006 and had settled the property on his son, the 2nd petitioner under a registered settlement deed dated 21.01.2008. While so, the petitioner's vendor Ezhumalai had fabricated agreement of sale and filed a suit for specific



performance against the petitioners in O.S.No.60 of 2010. The said suit was dismissed after contest on 10.06.2023, as against which the said Elumalai filed First Appeal with an application to condone the delay.

3. Therefore, the petitioner had filed an application for transfer of patta through an online patta transfer application dated 04.10.2024. This application was dismissed by the impugned order. Therefore, the petitioner is before this Court.

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

5. The impugned order reads as follows:

*“The application 2024/0103/01/426158 is rejected
by Head Quarters Deputy Tahsildar on 19.10.2024.”*



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6. A mere perusal of the impugned order clearly shows that the order is a non speaking one passed without considering the documents of the petitioner. Therefore, the impugned order has to be necessarily set aside.

7. Accordingly, the Writ Petition is allowed. The impugned order is quashed and the matter is remitted back to the 2nd respondent to consider and pass orders by holding enquiry after due notice to the parties concerned and afford them personal hearing. The said exercise shall be completed within a period of 2 months, from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed. No costs.

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Index : Yes/No
Internet : Yes/No
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1.The Tashildhar
Uttukottai Taluk.

2.The Deputy Tashildar
Uttukottai Taluk



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