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WP.No.35953 of 2024

In the High Court of Judicature at Madras

Dated : 05.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.35953 of 2024 &  
WMP.No.38838 of 2024

S.Anusha

...Petitioner

Vs

1.The District Collector,  
Namakkal District,  
Namakkal.

2.The Tahsildar,  
Namakkal Taluk,  
Namakkal District.

3.The Zonal Deputy Tahsildar,  
Namakkal Taluk, Namakkal  
District.

4.The Village Administrative  
Officer, Nallagoundenpalayam  
Village, Namakkal Taluk,  
Namakkal District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings of the third respondent in file No.2024/0103/09/413110 dated 26.7.2024, quash the same as illegal, incompetent and ultrai vires and consequently direct the third respondent to consider the petitioner's claim for subdivision and issue



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a separate patta in the petitioner's name for the one acre of land, which was purchased by the petitioner in S.No.6/1A1, T.Nallagoundenpalayam Village, Namakkal Taluk vide sale deed bearing doc.No.1480 of 2024 before the Sub-Registrar, Velagoundampatti, Namakkal District.

For Petitioner : Mr.M.Guruprasad  
For Respondents : Mr.A.Selvendran, SGP

### ORDER

The petitioner seeks to quash the order passed by the third respondent dated 26.7.2024 on the ground that rejection of her request for patta transfer was without assigning any reasons with a one line order.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for the respondents.

3. To appreciate the grievance of the petitioner, the following facts would be necessary and are set out herein below :

(i) The property measuring 4.10 acres in S.No.6/1A1 situated at T.Nallagoundenpalayam Village, Namakkal Taluk originally belonged to one Mr.Rangama Naicker, who had four sons namely one Mr.Pappan



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(a) Pappan Naicker, one Mr.Chinnama Naicker, one Mr.Palani Naicker and one Mr.Rangama Naicker. The said Mr.Pappan (a) Pappan Naicker, Mr.Chinnama Naicker, the sons of the said Mr.Palani Naicker and the sons of the son - the said Mr.Rangama Naicker entered into a partition deed on 04.2.1981 vide doc.No.80 of 1981. Under the said partition deed dated 04.2.1981, 'A' schedule property was allotted to the son - the said Mr.Rangama Naicker and the other sharers were allotted their respective shares.

(ii) The son - the said Mr.Rangama Naicker, in turn, executed a Will registered as doc.No.14 of 1992 in favour of his son - one Mr.Venkataraj in respect of a part of the properties. On the death of the son - the said Rangama Naicker, the Will came into force. Later one Mrs.Srinathi, W/O Mr.Kaviyarasu purchased the said property measuring 4.10 acres in S.No.6/1A from the legal heirs of the son - the said Mr.Rangama Naicker vide sale deed dated 29.9.2021 registered as doc.No.1904 of 2021, which included his son - the said Mr.Venkataraj, in whose favour, the Will was executed.

(iii) After the purchase, the said Mrs.Srinathy executed a sale deed dated 17.6.2022 in favour of one Ms.Habeshkumar in respect of 10 cents registered as doc.No.2132 of 2022 for the purpose of forming a pathway to access her land. The said Mrs.Srinathy retained her right over this pathway, through which, she was entitled to access her land



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on the northern side.

(iv) Thereafter, the petitioner purchased 1 acre out of four acres of land in S.No.6/1A1 from the said Mrs.Srinathy vide sale deed dated 21.5.2024 registered as doc.No.1480 of 2024 on the file of the Sub-Registrar, Velagoundenpatti. Pursuant to that, the petitioner made an online application dated 26.7.2024 to the third respondent for transfer of patta after paying necessary charges. However, to her shock and surprise, it came to light that her application was rejected on the very same day and the rejection order was uploaded with a reason showing 'O.S.No.193/2021'. Aggrieved against the said order dated 26.7.2024, the petitioner is before this Court contending that it is not a reasoned order.

4. Even without going into the merits of the case, a perusal of the impugned order would demonstrate the total non-application of mind and a lack of reasoning on the part of the third respondent. Under the heading 'reason for rejection', it has been stated as 'O.S.No.193/2021'. Apart from this, there is no other reasoning given as to how the said suit has a bearing on the petitioner's online application.



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5. In the light of the above, the writ petition is allowed, the impugned order is set aside and the matter is remitted back to the third respondent for considering the online application of the petitioner dated 26.7.2024 afresh and after giving an opportunity of personal hearing to the petitioner, the third respondent shall pass appropriate orders within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, the connected WMP is closed.

05.12.2024

To

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Namakkal.
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