



WEB COPY



WP.No.36609 of 2024

In the High Court of Judicature at Madras

Dated : 16.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.36609 of 2024 &
WMP.No.40864 of 2024

Malathi

...Petitioner

Vs

1.The District Collector,
District Collectorate,
Thiruvarur District.

2.The Tahsildar, Taluk
Office, Thiruvarur Taluk
& District.

3.The Head Surveyor, Taluk
Office, Thiruvarur Taluk
& 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 subjected to petitioner's application in 2024/0105/20/109680 dated 14.6.2024 rejected by the 2nd respondent on 09.7.2024, quash the same and consequently direct the 2nd respondent to issue sub-divided patta to the petitioner's property situated at Kattur Village, Thiruvarur Taluk subjected to survey No.120/13B1 with an extent of 650 sq.mts from old Patta No.597 considering the statement



WP.No.36609 of 2024

forwarded by the 3rd respondent within a stipulated time frame fixed by this Court.

For Petitioner : Mr.S.J.Raja Janakiraman
For Respondents : Mr.A.Selvendran, SGP

ORDER

Challenging the rejection of the petitioner's request for subdividing the property and issuing a subdivided patta in a one line non speaking order and consequently to issue a direction to the second respondent to issue a subdivided patta in respect of the property measuring 650 sq.mts in survey No.120/13B1, Kattur Village, Thiruvarur Taluk, the petitioner is before this Court.

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

3. The case of the petitioner is that she purchased the said property vide sale deed dated 10.2.2012 registered as doc.No.582 of 2012 on the file of the Sub-Registrar, Thiruvarur from one Mr.P.C.Mani for a valid sale consideration. Ever since the date of purchase, she has been in possession and enjoyment of the said property. After the purchase, the petitioner applied to respondents 2 and 3 to conduct a



WP.No.36609 of 2024

survey and for subdivision of the said property. Though the survey was successfully completed, it was not followed with the issuance of patta. Further, the third respondent sent his field inspection report dated 14.6.2024 to the second respondent to issue patta. Despite that, the second respondent has not proceeded to issue patta. Rather, the second respondent rejected the request of the petitioner in a one line non speaking order. Aggrieved by that, the writ petition has been filed.

4. A mere reading of the impugned order would clearly show that there is a non application of mind on the part of the second respondent. There has also been violation of the principles of natural justice. The impugned order simply reads as follows :

"The application 2024/0105/20/109680 is rejected by Tahsildar on 09.7.2024."

That apart, the second respondent rejected the petitioner's request by a one line non speaking order without giving reasons. Unless there is a speaking order, it would be difficult to challenge the said order, as the reasons are unknown.

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 second respondent to consider the case of the petitioner afresh and



WP.No.36609 of 2024

pass appropriate orders after giving notice to the petitioner and after affording her an opportunity to put forth her case. The above exercise shall be completed within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, the connected WMP is closed.

16.12.2024

To

- 1.The District Collector,
District Collectorate,
Thiruvarur District.
- 2.The Tahsildar, Taluk
Office, Thiruvarur Taluk
& District.
- 3.The Head Surveyor, Taluk
Office, Thiruvarur Taluk
& District.

RS



WEB COPY



WP.No.36609 of 2024

P.T.ASHA,J

RS

WP.No.36609 of 2024&
WMP.No.40864 of 2024

16.12.2024