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WP.Nos.38071 & 38072
of 2024

In the High Court of Judicature at Madras

Dated : 20.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition Nos.38071 & 38072 of 2024 &
WMP.Nos.41181 & 41187 of 2024

V.Shanmugapriya

...Petitioner in
WP.No.38071 of
2024

V.Narthana Shree

...Petitioner in
WP.No.38072 of
2024

Vs

1.The Tahsildar, Namakkal
Taluk, Namakkal District.

2.The Deputy Tahsildar,
Namakkal Taluk,
Namakkal District.

3.The Surveyor, Namakkal
Taluk, Namakkal District.

...Respondents in
both the WPs

PETITIONS under Article 226 of The Constitution of India praying for the issuance of Writs of Certiorarified Mandamus (i) to call for the records in connection with the impugned communication in Reference No.2024/0153/09/000155 dated 30.7.2024 passed by the office of 2nd respondent, quash the same and consequentially direct the 1st



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respondent to transfer the patta in the name of the petitioner in old Survey No.475/12P in T.S.No.35-74 on the basis of the sale deed registered on the file of the Sub-Registrar Joint-II vide Document No. 783/2023 dated 16.2.2023 within a limited time frame as fixed by this Court (WP.No.38071 of 2024); and

(ii) to call for the records in connection with the impugned communication in Reference No.2024/0153/09/000154 dated 30.7.2024 passed by the office of 2nd respondent, quash the same and consequentially direct the 1st respondent to transfer the patta in the name of the petitioner in old Survey No.475/12P in T.S.No.35-74 on the basis of the sale deed registered on the file of the Sub-Registrar Joint-II Vide Document No.782/2023 dated 16.2.2023 within a limited time frame as fixed by this Court (WP.No.38072 of 2024).

For Petitioners : Mr.Ali Hussain Khan
For Respondents : Mr.P.Sathish, AGP

COMMON ORDER

Challenging the proceedings dated 30.7.2024, in and by which, the office of the first respondent rejected the request of the petitioners for the transfer of patta in respect of the properties in old Survey No.475/12P in T.S.No.35-74 measuring 1,820 sq.ft. each and to issue



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a consequential direction to the first respondent to transfer patta in their names, the petitioners are before this Court.

2. Heard the learned counsel for the petitioners and the learned Additional Government Pleader accepting notice for the respondents.

3. The case of the petitioners is that they acquired the said properties by way of two separate sale deeds dated 16.2.2023 registered as doc.Nos.783 and 782 of 2023 respectively on the file of the Joint-2 Sub-Registrar, Namakkal for a valid sale consideration. Thereafter, the petitioners made online applications to the first respondent seeking transfer of patta in their names. However, their request came to be rejected by the office of the first respondent in a one line non speaking order. Aggrieved by that, the writ petitions have been filed.

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



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<i>Town Survey No.</i>	<i>Sub- division No.</i>	<i>Reject reason</i>
57	0	<i>Not in possession/No enjoyment in the field</i>

That apart, the first respondent rejected the petitioners' 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 orders, as the reasons are unknown.

5. In the light of the above, the writ petitions are allowed, the impugned orders is set aside and the matter is remitted back to the first respondent to consider the case of the petitioners afresh and pass appropriate orders after giving notice to the petitioners and after affording them an opportunity to put forth their 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 WMPs are closed.

20.12.2024

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P.T.ASHA,J

RS

To

- 1.The Tahsildar, Namakkal
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- 2.The Deputy Tahsildar,
Namakkal Taluk,
Namakkal District.
- 3.The Surveyor, Namakkal
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