



W.P.(MD) No.15277 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2024

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.15277 of 2022

and

W.M.P.(MD) Nos.10935 and 10936 of 2022

R.Bhavani Devi

... Petitioner

/vs./

1.The District Collector,
Office of the District Collector,
Ramanathapuram District.

2.The Tahsildar,
Paramakudi Taluk Office,
Paramakudi,
Ramanathapuram District.

3.Veerakameshwaran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the impugned order issued by the 2nd Respondent in his proceedings in File No. 2020/0154/7/27/000414 dated 04.07.2022 and quash the same and consequently



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directing the respondents to take necessary action for transfer of patta in the petitioner name in respect of the property comprised in Survey No.9/14 having Door No. 8/41-D New Town S.No.31 H Ward, Block No.24, of an extent of 1010 sqft situated at Paramakudi, Ramanathapuram District on the basis of petitioner representation dated 19.02.2021 within the time stipulated by this Court.

For Petitioner : Mr.C.Jeganathan

For R1 & R2 : Mr.B.Saravanan
Additional Government Pleader

For R3 : No appearance

ORDER

The above writ petition has been filed for the issue of a Writ of Certiorarified Mandamus to quash the order passed by the second respondent in his proceedings in File No. 2020/0154/7/27/000414 dated 04.07.2022 and to direct the respondents to take necessary action for transfer of patta in the petitioner name in respect of the property comprised in S.No.9/14 measuring an extent of 1010 sqft, situated at Paramakudi, Ramanathapuram District on the basis of the petitioner's representation dated 19.02.2021.



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2. The application that has been rejected by the second respondent is an application made by the petitioner to transfer the patta in respect of the property comprised in S.No.9/14 bearing D.No.8/41-D, New Town S.No.31, Ward - H, Block No.24, measuring an extent of 1010 sq.ft., at Paramakudi, Ramanathapuram District.

3. The transfer of patta was sought on the basis of the purchase of the above property by the petitioner from one Jennath, W/o.Feroz Khan under a registered sale deed dated 14.09.2020. This application for transfer of patta had been made on 19.02.2021 and there was no response to the same. Therefore, a writ petition in W.P.(MD) No.11967 of 2022 had been filed seeking the relief of Mandamus directing the respondents to transfer the patta.

4. When the matter had come up for admission, the learned Government Advocate submitted that there was discrepancy with reference to the survey number and there was a rival claim and therefore, the petitioner's request could not be accepted. Therefore, this Court by order dated 16.06.2022 had directed the second respondent to pass final orders. However, the petitioner has been served



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with a one column order, which states that the rejection is on the ground of incorrect/sub-division number. The order is a non speaking one and does not give any reasons for rejecting the request of the petitioner. The petitioner is therefore in the dark about the grounds upon which she could challenge the impugned order. The Authority has been directed by this Court in W.P.(MD) No.11967 of 2022 to pass final orders and serve the same, so that it could be challenged in the manner known to law.

5. Considering the fact that the impugned order in question is not a speaking one, the same is set aside and the matter is remitted back to the second respondent for fresh consideration. The second respondent shall issue notice to the petitioner, who shall produce all the documents and after hearing him, shall pass a speaking order regarding transfer of patta. The said exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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P.T.ASHA, J.

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