



W.P.(MD)No.28533 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2024

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.28533 of 2024

and

W.M.P(MD)No.24237 of 2024

K.M.Kanthasamy

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Tiruchendur Division,
Thoothukudi District.

2.The Tahsildar,
Tiruchendur Taluk,
Thoothkudi District.

3.The Zonal Deputy Tahsildar,
Tiruchendur Taluk,
Thoothukudi District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned rejection order passed by the third respondent by his proceedings vide Can No.133290923261849, dated 15.09.2024 and quash the same as illegal and consequently direct the respondents to Mutate the Patta with respect to bearing Natham Old S.No.241/1 Old Ward No.7, Old Door No.122, at present New S.No.1493/3, New Ward No.17, New Door No.172/82, to an extent of



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1953.03 Sq. ft (182.07 Sq. meter) equivalent to 4.5 cents land situated at Therkkku ratha veethi, Keela Thiruchendur town and village, Thoothukkudi District based on the petitioner's representation, dated 27.08.2024 and also an online application No.2024/N103/28/006190, dated 02.09.2024.

For Petitioner : Mr.K.Mahendran

For Respondents : Mr.M.Muthumanikkam
Government Advocate

ORDER

The writ petition has been filed challenging the order, dated 15.09.2024 and consequently, directing the respondents to Mutate the Patta with respect to Natham Old S.No.241/1, Old Ward No.7, Old Door No.122, New S.No. 1493/3, New Ward No.17, New Door No.172/82, to an extent of 1953.03 Sq. ft (182.07 Sq. meter) equivalent to 4.5 cents land at Therkkku ratha veethi, Keela Thiruchendur town and village, Thoothukkudi District by considering the petitioner's representation, dated 27.08.2024, and also the online application, dated 02.09.2024.

2. The petitioner acquired the aforesaid property under settlement deed executed in his favour by his father on 07.02.2008. The petitioner on 27.08.2024, sent a representation to the second respondent for mutation of patta in his favour along with the documents with respect to the subject property. As



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no action was taken by the second respondent, the petitioner made an online application for transfer of patta, to the third respondent on 02.09.2024. The third respondent vide impugned order, dated 15.09.2024, rejected the petitioner's request for transfer of patta and therefore, the petitioner filed the above writ petition for the aforesaid relief.

3. The learned counsel for the petitioner submitted that without conducting any enquiry and without assigning any valid reasons, the petitioner's application was rejected by the third respondent vide impugned order, dated 15.09.2024. The learned counsel for the petitioner further submitted that under Section 10 of the Tamil Nadu Patta Passbook Act, the third respondent is bound to issue notice to the petitioner but the third respondent in violation of the said provision passed the impugned order.

4. The learned Government Advocate for the respondents, on instructions, submitted that the petitioner's application was rejected by the third respondent on the ground that the petitioner had not produced the relevant documents namely, title document and also link document.



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5. The learned counsel for the petitioner in reply submitted that the petitioner along his representation, dated 27.08.2024, annexed title document and link documents and the same was acknowledged by the respondents. The learned counsel for the petitioner therefore submitted that the reasons cited by the third respondent were un-sustainable and hence the impugned order deserved to be set aside.

6. Heard both sides and perused the materials available on record.

7. The learned Government Advocate for the respondents produced the impugned order, wherein, it is stated that the petitioner's application was rejected for non-production of title document and link document.

8. The petitioner filed the representation and the annexure to the representation, in the type set of papers at Page No.82. In the annexure filed in Page No.85, it is seen that several documents were referred to. The said representation along with annexure was also acknowledged by the respondents and therefore, the reasons cited by the respondents in the impugned order that the title document and link documents were not produced is un-sustainable. More over, as rightly contended by the learned counsel for the petitioner, no



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enquiry was conducted and no opportunity of hearing was given to the petitioner as contemplated under Section 10 of the Tamil Nadu Patta Passbook Act. Therefore, the procedure adopted by the third respondent for rejecting the petitioner's application is in violation of Section 10 of the Tamil Nadu Patta Passbook Act.

9. Ergo, I am of the view that the impugned order, dated 15.09.2024 cannot be sustained and hence, the same is set aside and the matter is remitted to the third respondent for fresh consideration. The third respondent shall consider the petitioner's application strictly in compliance with Section 10 of the Tamil Nadu Patta Passbook Act and pass orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order.

10. Accordingly, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

03.12.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
SN



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N.MALA, J.

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