



WP.No.740 of 2025

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In the High Court of Judicature at Madras

Dated : 20.1.2025

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.740 of 2025 &
WMP.No.910 of 2025

1.Saroja
2.Kannaiyan
3.Thangaraj

...Petitioners

Vs

1.The District Collector,
Thiruvarur District.

2.The District Revenue Officer,
Thiruvarur District.

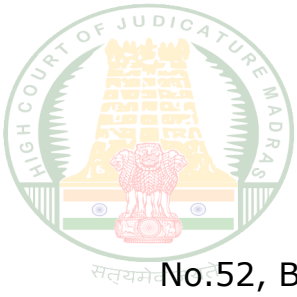
3.The Revenue Divisional Officer,
Mannargudi Division, Thiruvarur
District.

4.The Tahsildar, Thiruthuraipoondi
Taluk, Thiruvarur District.

5.The Zonal Deputy Tahsildar,
Thiruthuraipoondi
Taluk, Thiruvarur 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 of the 5th respondent in file No.2024/0153/20/002062 dated 08.8.2024, quash the same as illegal and consequently direct the 5th respondent to mutate patta for the property comprised in Town Survey



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No.52, Block No.28, Thiruthuraipoondi Ward, Town & Taluk, Thiruvarur District in favour of the petitioners.

For Petitioners : Mr.Sharath Chandran
For Respondents : Mr.P.Sathish, AGP

ORDER

Aggrieved by a non speaking one line rejection of the petitioners' request for transferring patta in their names in respect of the property measuring 12.35 cents comprised in Town Survey No.52, Block No.28, Thiruthuraipoondi Ward, Town & Taluk, Thiruvarur District, 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 inherited the subject property from one Mr.Balraj, who is none other than their paternal uncle. The said Mr.Balraj acquired the subject property vide sale deed dated 12.3.1983 registered as doc.No.458 of 1983 on the file of the Sub-Registrar, Thiruthuraipoondi. The said Mr.Balraj and his wife - one Mrs.Kamala Balraj were issueless. The said Mrs.Kamala Balraj predeceased him on 02.6.2021. The said Mr.Balraj died intestate on



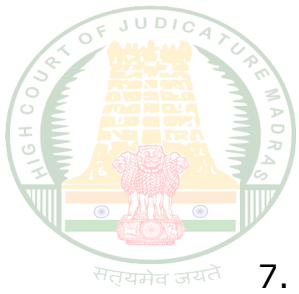
07.6.2021. The said Mr.Balraj had no class I heirs. After his death, the petitioners alone are the only class II heirs. They also obtained a succession certificate vide order dated 31.1.2023 in O.P.No.12 of 2022 on the file of the Principal District Court, Thiruvavarur.

4. Thereafter, the first petitioner made an online application dated 08.3.2024 to the fifth respondent seeking mutation of patta in their names in respect of the subject property. But, nothing was forthcoming. Hence, the first petitioner once again made another online application on 24.7.2024. However, by the impugned order, the fifth respondent rejected the online application. Hence the writ petition.

5. The reason for rejection has been stated as follows :

<i>Town Survey No.</i>	<i>Sub-Division No.</i>	<i>Reason for rejection</i>
52	0	<i>Court case is pending/ disputed cases</i>

6. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned order.



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7. A perusal of the impugned order would clearly show that it is a non speaking order and suffers from total non application of mind. This Court is unable to garner as to the basis, on which, the impugned order has come to be passed.

8. Hence, the writ petition is allowed, the impugned order is set aside and the matter is remitted back to the fifth respondent, who shall consider the online application of the first petitioner dated 24.7.2024 afresh, afford an opportunity of personal hearing to the petitioners and thereafter pass orders within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected WMP is closed.

20.1.2025

To

- 1.The District Collector,
Thiruvarur District.
- 2.The District Revenue Officer,
Thiruvarur District.
- 3.The Revenue Divisional Officer,
Mannargudi Division, Thiruvarur
District.
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- 5.The Zonal Deputy Tahsildar,
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