



W.P.No.26166 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.26166 of 2025

R.Sakthivel

... Petitioner

Vs.

1. The Collector,
Collectorate Building,
Coimbatore - 641 018.
2. The District Revenue Officer,
Coimbatore - 641 018.
3. The Revenue Divisional Officer,
South Coimbatore.
4. The Tahsildar,
Sulur Taluk,
Coimbatore.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for an issuance of writ of certiorarified mandamus, calling for the records of the 4th respondent relating to the impugned order passed in Application No.2025/0103/12/696105 dated 22.05.2025 and quash the same and consequently direct the 4th respondent to consider the representation made by the petitioner on 07.05.2025 for name transfer in Patta Nos.5244 & 5245 in the name of the petitioner.

For Petitioner : Mr.K.V.Babu



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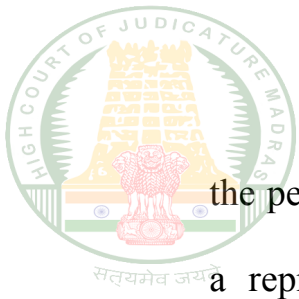
For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The writ petition is filed challenging the communication of the 4th respondent through SMS dated 22.05.2025, rejecting petitioner's online application seeking transfer of Patta Nos.5244 and 5245 in his favour and quash the same and further direct the 4th respondent to consider the petitioner's representation dated 07.05.2025.

3. The learned Counsel for the petitioner would submit that petitioner is the absolute owner of the subject property through Will dated 19.02.2024, registered as Document No.47 of 2024, in the Sub-Registrar of Sulur, executed by one Mr.Balasubramanian. However, Patta was wrongly issued in the name of Mohankumar and Ramalingam. Aggrieved by which, the petitioner submitted representation before the 3rd respondent dated 26.09.2024 and thereafter, it was transferred in the name of Balasubramanian. The said Balasubramanian executed a Will dated 19.02.2024, in the name of



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the petitioner. After the death of said Balasubramanian, petitioner submitted a representation to the 4th respondent dated 07.05.2025, seeking name transfer in Patta Nos.5244 & 5245 in his favour on the basis of above said Will. However, the 4th respondent without conducting any enquiry and without affording any opportunity, has communicated the impugned order through SMS dated 22.05.2025, rejecting the petitioner's representation.

3.1 It is further submitted by the learned Counsel for the petitioner that in the said communication, except stating that there are certain disputes, no other reason has been set out by the 4th respondent and therefore, the impugned communication is in gross violation of the procedure mandated under Section 10(3)(a) of Tamil Nadu Patta Passbook Act, 1983. For ready reference, the same is extracted hereunder:

" (a) Before passing an order on an application under Sub-Section (1), the Tahsildar shall follow such procedure as may be prescribed and shall also give a reasonable opportunity to the parties concerned to make their representations either orally or in writing. If the Tahsildar decides that any modification should be made in respect of entries in the patta passbook, he shall pass an order accordingly and shall make such consequential changes in the patta passbook, as appear to him to be necessary, for giving



effect to his order."

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3.2 It was further submitted by the learned Counsel for the petitioner that the impugned communication rejecting the petitioner's request, seeking transfer of Patta in his name is an non-speaking order, which does not comply with the mandate of Section 10(3)(a) of the Patta passbook Act.

4. At the outset, it is submitted by the learned Special Government Pleader appearing for respondents that the petitioner's request would be considered afresh, after affording opportunity to the petitioner and other interested parties and appropriate orders would be passed within a time frame to be fixed by this Court, which was agreed to by the learned counsel for petitioner.

5. In view thereof, the impugned order passed in Application No.2025/0103/12/696105 dated 22.05.2025 is quashed and the Writ Petition is allowed with a direction to the the 4th respondent to consider the petitioner's representation dated 07.05.2025 afresh and pass appropriate orders on merits and in accordance with law by passing a speaking order after putting the petitioner as well as any other interested parties/rival claimants, if



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any on notice within a period of twelve (12) weeks from the date of uploading of web copy of the order without waiting for the receipt of certified copy. It is made clear that this Court has not expressed any view with regard to the merits of the case and it is open to the concerned respondent to consider the case on its own merits and in accordance with law. No costs.

17.07.2025

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Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No



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MOHAMMED SHAFFIQ, J.

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