



W.P.No.30036 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

**W.P.No.30036 of 2025
and
WMP No.33660 of 2025**

1.Nagaraj
2.Ravi

... Petitioners

Vs.

1.The Collector,
Krishnagiri District,
Krishnagiri.

2.The Revenue Divisional Officer,
Krishnagiri,
Krishnagiri District.

3.The Tahsildar,
Denkanikottai Taluk,
Krishnagiri District.

4.Varadharaj
5.Rameshbabu

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the third respondent dated 02.04.2025 through Cell Phone SMS, quash the same and direct the respondents 1 to 3 to transfer the patta in patta Nos.9 and 1240 respect of the property in S.No.963/1A and 963/1B totally to the extent of 1.68 Acre situated at Kundumaranapalli Village, Denkanikottai Taluk, Krishnagiri District and pass orders.

For Petitioner(s) : Mr.V.Elangovan

For Respondent(s) : Mr.P.Sathish
Additional Government Pleader
for R1 to R3

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself. In view of the order that this Court proposes to pass and also the limited relief that is sought to be granted, notice to respondent Nos.4 and 5 is dispensed with.



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2. The present writ petition is filed challenging order dated 02.04.2025 passed by third respondent, whereby the petitioners' request to transfer patta in patta Nos.9 and 1240 in respect of the property comprised in S.No.963/1A and 963/1B measuring a total extent of 1.68 Acre situated at Kundumaranapalli Village, Denkanikottai Taluk, Krishnagiri District was rejected on the premise that a suit is pending in respect of the subject property.

3. It is submitted by the learned counsel for the petitioners that the above reason is factually incorrect inasmuch as the suit in OS No.186 of 2009 has already been disposed of vide its decree and judgment dated 05.04.2018 and thus there is no suit pending. He would submit that the impugned order is a non speaking order inasmuch as it does not provide any detail of the suit which is stated to be pending which has necessitated rejection of the request of petitioners for issuance of patta. He would further submit that the impugned order is bad inasmuch as it has been served by way of an SMS .



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4. This Court finds that there is merit in the submission of the learned counsel for petitioners inasmuch as the impugned order is bereft of any particulars as to the suit that is pending in respect of the subject property. The impugned order is a non speaking order and thus is in violation of principles of natural justice.

5. At this stage, learned Additional Government Pleader would submit that it is open to the petitioners to submit any judicial orders/documents in support of his case. He would submit that they would hear the petitioners and pass orders afresh in accordance with law after affording a reasonable opportunity of hearing to the petitioners, respondents 4 and 5 and all other interested parties including rival claimants, if any, taking into account any judicial orders/documents placed by the petitioners, within a time frame to be fixed by this Court, which was agreed to by the learned counsel for petitioners.



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6. In view of the above, this court is inclined to dispose of the writ petition with following directions:

- i) The impugned order dated 02.04.2025 is set aside.
- ii) It is open to the petitioners to submit any judicial orders/documents in support of his case. The respondent 1 to 3 shall pass orders afresh in accordance with law after issuing notice and affording a reasonable opportunity of hearing to the petitioners, respondents 4 and 5 and all other interested parties including rival claimants, if any, taking into account any judicial orders/documents placed by the petitioner.
- iii) Though facts have been set out in affidavit, in view of the limited relief that is sought to be granted, I do not propose to examine the same, lest it may influence the authority. The authority shall independently consider the facts and law set out in the case and pass appropriate order in accordance with law including but not limited to the provisions of the Tamil Nadu Patta Pass Book Act and Rules.



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iv) The above exercise shall be completed/appropriate orders passed within a period of sixteen (16) weeks from the date of uploading of web copy without waiting for the receipt of certified copy.

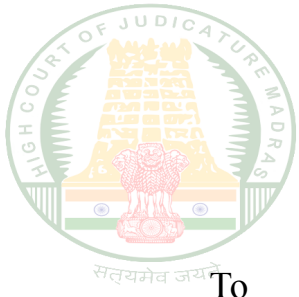
v) It is made clear that this Court has not expressed any views with regard to the merits of the case and it is open to the concerned respondent to consider the matter on its own merits and in accordance with law. Rights and contentions of the petitioner and all other interested parties are left open.

7. Accordingly, the writ petition stands disposed of. There will be no order as to costs. Consequently, connected miscellaneous petition is closed.

11.08.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

mrn



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To

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MOHAMMED SHAFFIQ, J.

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