



WEB COPY

WP No. 46418 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-12-2025

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

W.P. No. 46418 of 2025 and W.M.P. No.51763 of 2025

K.Madhesh

..Petitioner(s)

Vs

1. The District Collector,Dharmapuri.
2. The Zonal Deputy Tahsildhar,Dharmapuri
Taluk, Dharmapuri.
3. M.Nafeez Ahmed
4. T.M.Abdulla Basha

..Respondent(s)

calling for the records relating to the rejection impugned order dated 26.07.2025 vide 2025/ 0103. 05/ 319352 on the file of the 2nd respondent and quash the same and consequently direct the 2nd respondent to transfer patta No.569 to the petitioners name with respect to the property situate at Kadagathur Village, Dharmapuri Taluk and District in S.No.578/1, measuring 2.58 acres

For Petitioner(s):

MR P. VALLIAPPAN,
SENIOR COUNSEL FOR
MR J. BHARATHIRAJA

For Respondent(s):

MR S. ARUMUGAM,GA

ORDER

This writ petition has been filed challenging the impugned order dated 26.07.2025 passed by the second respondent rejecting the petitioner's request for



transfer of patta in his name pursuant to a Civil Court decree obtained by the petitioner on the ground that the court proceedings are pending.

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2.Learned counsel for the petitioner would submit that as against the Civil Court decree obtained in favour of the petitioner, the private respondents filed an appeal before the Appellate Court, but no interim order is granted by the said Appellate Court in favour of the private respondents. Therefore, he would submit that there is no bar for the official respondents to transfer the patta in favour of the petitioner. He would also submit that the impugned order is a non-speaking order and therefore, the same has to be quashed.

3.Admittedly, as seen from the impugned order, no proper reasons have been given as to why the same has been rejected. Excepting for stating that the court proceedings are pending, the second respondent, even without holding any enquiry with the petitioner as well as the private respondents, by a non-speaking order, rejected the petitioner's request seeking for transfer of patta in his name. Being a non-speaking order, necessarily, the impugned order has to be quashed and the matter has to be remanded back to the very same respondent for fresh consideration, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as the private respondents.



4. Accordingly, the impugned order dated 26.07.2025 passed by the second respondent is hereby quashed and the matter is remanded back to the very same respondent for fresh consideration, on merits and in accordance with law. The second respondent shall, after hearing the objections of the petitioner as well as the respondents 3 and 4 and any other party to whom the second respondent deems fit to enquire, pass final orders within a period of 12 weeks from the date of receipt of a copy of this order. With the above direction, this writ petition is disposed of. No costs. Consequently, connected W.M.P. is closed.

02-12-2025

vga

To

1. The District Collector, Dharmapuri.
2. The Zonal Deputy Tahsildhar, Dharmapuri Taluk, Dharmapuri.



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ABDUL QUDDHOSE, J.

VGA

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