



W.P.No.33244 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.33244 of 2024

and

W.M.P.Nos.36035 & 36036 of 2024

G.Sureshkrishnan

... Petitioner

Vs.

1.The Sub Collector
Mettur Dam-I, Salem District.

2.The Tahsildar
Omalur, Salem District.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, Calling for the records relating to the order of the 1st Respondent dated 06.08.2024 in Mu.Mu.3131 / 2024 -C and the order of the 2nd respondent dated 31.01.2024 in N.aKa.No 2067 / 2023 / R and quash the same and consequently direct the Respondents to issue patta for the property of the petitioner in Plot No 13 and 23 in Old Survey No. 16 New Survey No 57/1 at Puliampatti Village, Omalur Taluk Salem District.



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For Petitioner : M/s.K.Selvaraj

For Respondents : M/s.A.Selvendran, Spl.GP
for R.1 & R.2

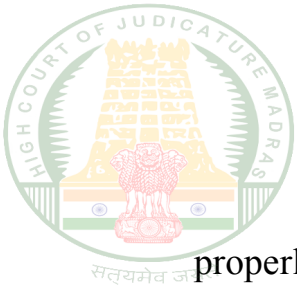
ORDER

The Writ Petition is filed for the following reliefs:-

"Calling for the records relating to the order of the 1st Respondent dated 06.08.2024 in Mu.Mu.3131 / 2024 -C and the order of the 2nd respondent dated 31.01.2024 in N.aKa.No 2067 / 2023 / R and quash the same and consequently direct the Respondents to issue patta for the property of the petitioner in Plot No 13 and 23 in Old Survey No. 16 New Survey No 57/1 at Puliampatti Village, Omalur Taluk Salem District."

2. Heard the counsels on either side.

3. A mere perusal of the impugned order clearly shows a total non-application of mind on the part of the respondents while passing the impugned orders as the respondents had totally failed to appreciate that the relief that is sought is one for the transfer of patta and not for the issuance of a new patta. Therefore, without going into the merits of the case, taking note of the fact that the impugned orders have been passed without



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properly appreciating the issue on hand, the Writ Petition is allowed. The impugned orders passed by the 1st respondent on 06.08.2024 and the 2nd respondent on 31.01.2024 are quashed and the matter is remitted back to the 1st respondent for fresh consideration in the light of the fact that the petitioner's request is one for transfer of patta and not for issuance of a fresh patta. The 2nd respondent shall verify the eligibility of the petitioner to claim a transfer of patta and thereafter pass a speaking order after giving him an opportunity of personal hearing. The said exercise shall be completed within a period of 3 months from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petitions are closed.

06.01.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The Sub Collector
Mettur Dam-I, Salem District.

2.The Tahsildar
Omalur, Salem District.



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P.T. ASHA. J.,

(shr)

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