



W.P.No.39363 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 03.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.39363 of 2024
and
W.M.P.Nos.42634 & 42636 of 2024

1.V.Saravanan
2.Ramya

.... Petitioners

Vs

1.The District Collector,
Salem District,
Salem.

2.The Tahsildar,
The West Thasildar Office,
Suramangalam Taluk,
West Salem.

3.The Sub-Registrar,
Suramangalam Taluk,
Salem District.

4.The Village Administrative Officer,
Azhagapuram Uthur Village,
Suramangalam Taluk,
Salem District.



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Prayer: Writ Petition is filed under Article 226 of Constitution of India to issue a Writ of Certiorarified Mandamus, call for the records pertaining to the proceedings of the 2nd respondent File No. 2024/0153/08/021552 dated 23.10.2024 and to quash the same as illegal, incompetent and ultra vires and consequently direct the 2nd respondent to issue separate patta in the name of the 2nd petitioner with respect to the property in S.F. No 11/1 resurveyed as 5/1 situated at Malangadu, Azhagapuramputhu Village, Suramangalam Taluk, Salem District, to an extent of 2.62 acre vide registered settlement deed dated 21.09.2024 in Doc No 6859/2024 on the file of the 3rd respondent.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.M.R.Gokul Krishnan
Additional Government Pleader

ORDER

The inventive way in which the revenue officials seek to reject genuine requests for the issuance of patta is once again demonstrated in the present case. To better appreciate the above, it is necessary to briefly set out the facts which has culminated in the filling of this writ petition.

2. The subject property, which is an extent of 2.62



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acres, comprised in S.F.No.11/1 resurveyed as 5/1 situated at Malangadu, Azhagapurampduthu Village, Suramangalam Taluk, Salem District, was owned by one Sengoda Gounder @ Kulla Gounder. The property was the ancestral property of the said Sengoda Gounder @ Kulla Gounder, who had two wives, viz., Pavammal and Chinnammal. The first wife Pavammal was issueless, whereas, the second wife Chinnammal had four sons and one daughter, who are Kannan, Jeganathan, Rajamani, Natarajan and Jeyamma. In the year 1995, one of the legal heirs of the said Sengoda Gounder @ Kulla Gounder, viz., Jeganathan had filed a suit for partition in O.S.No.689 of 1995 against his siblings before the Principal Subordinate Court, Salem, in respect of the subject property as well as other properties. By a Judgment and Decree dated 25.03.1996, the subject property was allotted to the share of Jeganathan. Subsequently, the revenue records were mutated in the name of the said Jeganathan and a patta was also issued in him.

3. The said Jeganathan was married to one Dhanam, through whom he had a son, viz., J. Shakthivel. On demise of the



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said Jeganathan on 06.03.2007, Dhanam and J.Shakthivel had entered into a registered sale agreement on 15.02.2016. However, the said agreement was cancelled by a cancellation of sale agreement dated 04.07.2016. Thereafter, the said Dhanam and J.Shakthivel along with J.Shakthivel's minor daughters viz., S.Nivetha and S.Swetha, sold 1.31 acres out of 2.62 acres of the subject property to one S.Praveen, under a registered sale deed dated 04.07.2016. On the same day, the other half of the property was sold to one KMP Shankaran. The said KMP Shankaran, in turn, had executed a registered sale deed on 12.08.2016 in favour of the first petitioner in respect of 1.31 acres purchased by him. In turn, the said Praveen had sold 1.31 acres purchased by him to KMP Shankaran under a registered sale deed dated 02.11.2016 and on the very same day, KMP Shankaran had sold the same to the first petitioner herein. Therefore, the first petitioner became the absolute owner of the entire extent of 2.62 acres.

4. While so, on 10.06.2019, the original documents had gone missing and a complaint was lodged before the



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Karungalpalayam Police Station, Erode. Despite a thorough search, the documents could not be traced and the police officials issued a non-traceable certificate. The news of missing documents had also been published in the newspaper.

5. The first petitioner, out of his love and affection for the second petitioner, viz., his daughter, had executed a settlement deed in favour of the second petitioner on 21.09.2024. Thereafter, the first petitioner made an online application for the transfer of patta in the name of the second petitioner to the second respondent on 16.10.2024. This application has been rejected with a one line non-speaking order, i.e., “not in possession/no enjoyment in the field”. Challenging this non-speaking order, the petitioner is before this Court.

6. Without going into the merits of the case, since the impugned order is a non-speaking one, the impugned order dated 23.10.2024 passed by the second respondent is hereby set aside. The matter is remitted back to the second respondent for fresh



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consideration. The second respondent shall pass orders within a period of four weeks from the date of receipt of a copy of this order.

Further the reason given for the refusal is also totally unjustified and exceeds the authority of the second respondent whose powers are defined in Section 34 of the Registration Act.

7. With the above direction, this writ petition stands allowed. Consequently, connected miscellaneous petitions are closed. No costs.

03.01.2025

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking order
Neutral Citation : Yes/No
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To

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Salem District,
Salem.

2.The Tahsildar,
The West Thasildar Office,
Suramangalam Taluk,



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