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W.P.Nos.39879 & 39881 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.Nos.39879 & 39881 of 2024
W.M.P.Nos.43201 & 43203 of 2024

In W.P.No.39879 of 2024:-

Devarajan

...Petitioner

Vs

1.The Thasildar
Tiruchengode Taluk,
Namakkal District.

2.The Deputy Zonal Thasildar
Tiruchengode Taluk,
Namakkal District.

...Respondents

In W.P.No.39881 of 2024:-

D.Sumathi

...Petitioner

Vs

1.The Thasildar
Tiruchengode Taluk,
Namakkal District.

2.The Deputy Zonal Thasildar
Tiruchengode Taluk,
Namakkal District.



W.P.Nos.39879 & 39881 of 2024

3.S.Boopathy

...Respondents

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PRAYER In W.P.No.39879 of 2024 :-Writ Petition filed under Article 226 of the Constitution of India, pleased to issue Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent in patta Transfer sub division application No. 2024/0103/09/422998 dated 25.10.2024 and to quash the same and consequently direct the respondents to issue patta in the name of Petitioners property as per his sale deed bearing Doc.No. 3410 of 2024 dated 16.10.24 within a time to stipulated by this Court.

PRAYER In W.P.No.39881 of 2024 :-Writ Petition filed under Article 226 of the Constitution of India, pleased to issue Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent in patta Transfer sub division application No. 2024/0103/09/422997 dated 25.10.2024 and to quash the same and consequently direct the respondents to issue patta in the name of Petitioners property as per his sale deed bearing Doc.No. 3409 of 2024 dated 16.10.24 within a time to stipulated by this Court.

For Petitioner : Mr.S.Varanesh
For Respondents : Mr.A.Selvendran (For R1 & R2)
Special Government Pleader

ORDER

The Writ Petition has been filed for the following reliefs:-



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To call for the records pertaining to the impugned order passed by the 2nd respondent in patta Transfer sub division application No. 2024/0103/09/422997 dated 25.10.2024 and to quash the same and consequently direct the respondents to issue patta in the name of Petitioners property as per his sale deed bearing Doc.No. 3409 of 2024 dated 16.10.24 within a time to stipulated by this Court.

2.The petitioner's application for patta transfer and subdivision has been rejected with a one line order which reads as follows:-

பட்டா மாறுதல் கோரும் புலம் / உட்பிரிவு தொடர்பாக நீதிமன்றம் வழக்கு
நிலுவையில் உள்ளது.

3.The above order is a non-speaking one and the petitioner is kept in the dark about the reasons for the rejection. However, the suit filed against the petitioner's vendor one Boopathy is for specific performance on the basis of a forged unregistered sale agreement and the same is being contested. Therefore, the reason given for a rejection is not made known to the petitioner.

4.It is needless to state that when an order of an authority is subject



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to an appeal/revision to a higher authority a person aggrieved by such order has the right to know the ground on which he can challenge the order of the regional authority. In the judgment reported in **2010 9 SCC 496 M/s.Kranti Associates Pvt. Ltd. & Another Vs. Sh.Masood Ahmed & Others** the Hon'ble Supreme Court was called upon to consider order of dismissal passed by the National Consumer disputes Redressal Commission. The learned judges observed that “an order passed by a quasi-judicial authority or even administrative authority affecting the rights of the parties must speak. It must not be like the “Inscrutable face of a Sphinx”.

5.In the light of the above, the present Writ Petitions are allowed.

No costs. Consequently, connected miscellaneous petitions are closed.

06.01.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
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P.T.ASHA, J.



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- To
- 1.The Thasildar
Tiruchengode Taluk,
Namakkal District.
 - 2.The Deputy Zonal Thasildar
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