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W.P.No. 1361 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 1361 of 2025
and WMP.No.1610 of 2025

Sheik Mohamed Sathik

...Petitioner

Vs

1.The District Collector
Kallakurichi.

2.The Tahsildar
Kallakurichi.

3.The Zonal Deputy Tahsildar
Kallakurichi.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari calling for the records on the file of the third respondent in proceeding No.2024/0103/33/395220



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dated 12.11.2024 and quash the same as illegal, incompetent and without jurisdiction.

For Petitioner : Ms.R.Poornima
For Respondents 1 to 3 : Mr.A.Selvendran
Special Government Pleader

ORDER

The petitioner has come forward with the above writ petition seeking to quash the proceedings of the third respondent dated 12.11.2024.

2. The case of the petitioner is that an extent of 0.37 cents of lands in Sy.Nos.283/1C1, 283/1C3, 243/4B, 283/1C2, 283/4C, 283/1A, 283/1B, 282/4, 282/5, 282/6, 282/7, 282/8, 283/4A of Prithivimangalam Village, Thiyaagathuruvam, Kallakurichi was purchased by his maternal grandfather Sheik Ameer Sayub and another from one Kuppusamy Pillai vide sale deed no.1301/1939 dated 12.07.1939. His grandfather has been in possession and enjoyment of

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the property without any obstruction. He died on 11.05.1941. After his demise, the said property devolved on his legal heirs, of whom, the petitioner's mother is one. The petitioner's mother also died on 04.10.1976. The petitioner mother is entitled to 1/6th share in the property. The petitioner would submit that except the name of his mother, the names of other legal heirs of Sheik Ameer Sayub were shown in the patta of the said property. Hence, the petitioner submitted an online application on 12.11.2024 for inclusion of his mother's name in the patta, enclosing certain necessary documents. The respondents without conducting any enquiry, rejected the application on 19.11.2023, intimating non-production of parent documents. Hence, the petitioner is before this Court.

3. The learned counsel for the petitioner would submit that the petitioner is aggrieved by the impugned order as it is an one-line non-speaking order.



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4. Heard the learned counsel on either side.

5. A perusal of the impugned order would indicate that the petitioner's online request for inclusion of her mother's name in the patta in respect of Sy.No.283/4C has been rejected stating the reason "தொடர்பு பத்திரம் / மூலப்பத்திர நகல் சமர்ப்பிக்கவில்லை". The authority in question has passed an non-speaking order. His order is subject to challenge in an appeal. The authority whose orders are subjected to further challenge, should give his reasons for the decision taken, as it is these reasons that can be challenged in an appeal.

6. In the instant case, the third respondent had rejected the request of the petitioner for grant of joint patta, by his one-line order, which is against the principles of natural justice. Had the respondents heard the petitioner in person, the documents could have been produced by the petitioner, without an rejection order being passed. The third respondent had mechanically passed the order impugned



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herein, and the order clearly manifests the non-application of mind.

Therefore, this Court deems it appropriate to quash the impugned order dated 12.11.2024.

7.The writ petition is allowed and the impugned order is set aside. The matter is remitted back to the third respondent for fresh disposal of the request of the petitioner within a period of eight weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed. No costs.

23.01.2025

Index: Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
ds



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P.T.ASHA, J.,

ds

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