



W.P.(MD)No.6212 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.03.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.6212 of 2025

and

W.M.P(MD)No.4554 of 2025

Mookkammal

.... Petitioner

/Vs./

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Dindigul,
Dindigul District.

3.The Tahsildar,
Dindigul West Taluk,
Dindigul District.

4.The Zonal Deputy Tahsildar,
Dindigul West Taluk,
Dindigul District.

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Certiorarified Mandamus, to call for the records



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pertaining to the impugned order passed by the fourth respondent in No. 2024/0103/13/351650 dated 14.02.2025 and quash the same as illegal and consequently direct the third respondent to transfer the patta in the name of the petitioner in respect of the property comprised in Survey o. 24/6F, Patta No.303, to an extent of 0.11.50 Ares (28 cents) situated at Chellamanthadi, Seelapadi Village, Dindigul West Taluk, Dindigul District within the time frame that may be fixed by this Court.

For Petitioner : Mr.V.Karuna

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

The petitioner challenges the impugned order of the fourth respondent dated 14.02.2025, rejecting the petitioner's request for transfer of patta in the name of the petitioner.

2. With the consent of the counsel on either side, the writ petition is taken up for final disposal at the admission stage.

3. I have heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.



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4. The grievance of the petitioner is that despite the petitioner furnishing all relevant documents in support of her claim to the third respondent, the Zonal Deputy Tahsildar the fourth respondent has rejected the petitioner's application on the ground that the petitioner has not produced the original title deeds. The contention of the petitioner is that before passing the said rejection order, the petitioner was not given an opportunity by way of personal hearing and the documents submitted to the third respondent were not considered.

5. The learned Additional Government Pleader appearing for the respondents, on instructions, would submit that only on the basis of all the documents submitted by the petitioner and the revenue records, the fourth respondent having found that patta was standing in the name of Mookkammal and Dhanabackia Stella, the petitioner's application was rejected, giving him liberty to cure the defects and thereafter, seek for patta. This Court has already come down heavily on this issue of orders being passed without affording an opportunity to petitioner. In ***M.Rani vs. District Collector, The District Collector Office and others*** reported



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in (2025) 1 MLJ 178 this Court has issued the following guidelines.

- a) On a preliminary perusal of the documents submitted alongwith the application, if the authorities feel that further documents are required, then they can inform the applicant to produce the said documents: and not proceed to reject the application on the ground of want of documents.
- b) If the authorities require any clarification, they can afford an opportunity to the applicant to clarify the doubt.
- c) If the documents are in order, the request may be granted and such orders need not be a speaking one.
- d) If the authority is convinced from the records that the request has to be rejected, then a speaking order citing the reasons shall be issued.

6. If at all the fourth respondent had found from the revenue records that patta was mutated in the name of different persons and not in the name of writ petitioner, opportunity ought to have been given to petitioner to produce the records in her name and address the queries of



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the fourth respondent. However, without doing so, the impugned order has been passed in a cryptic fashion. Therefore, the impugned order is set aside and the matter is remitted to the third respondent, Tahsildar to conduct an enquiry after affording an opportunity to petitioner as well as Dhanabackia Stelle and thereafter, pass orders on the petitioner's application for transfer of patta, within a period of twelve weeks from the date of receipt of a copy of this order.

7. Accordingly, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
am

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P.B. BALAJI, J.

am

Order made in
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