



W.P.(MD)No.29157 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.29157 of 2024

and

W.M.P.(MD)No.24674 of 2024

Sivalingam

... Petitioner

/Vs./

1. The Tahsildar

Thiruverumbur Taluk Office,
Trichy District.

2. The Zonal Deputy Tahsildar

Thiruverumbur Taluk Office,
Trichy District.

3. The District Collector,

Trichy.

4. The Commissioner of Land Administration,

Chennai.

(R3 & 4 are suo-motu impleaded vide court
order dated 05.12.2024)

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Rejection order issued by the second respondent vide his order dated 28.10.2024 and quash the same as illegal and unconstitutional and consequently direct the respondents herein to issue the transfer patta to petitioner on the basis of patta transfer application No.2024/0103/15/ 440946 dated 12.10.2024.

For Petitioner : Mr.B.Jameelarasu

For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

The petitioner has filed the present writ petition challenging the impugned order passed by the second respondent, rejecting the application of the petitioner, seeking patta transfer, through on-line application process.

2. The second respondent has rejected the application made by the petitioner, without giving an opportunity to the petitioner. It is the specific case of the petitioners that after certifying the genuineness of the



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assignment in favour of the vendors of the petitioner alone, the sale deed came to be registered before the competent Sub Registrar.

3. The learned counsel for the petitioner would invite my attention to the said communication issued by the then Tashildar addressed by the Sub Registrar. This was in the year 2014. Only based upon the said Certificate of the Tahsildar, certifying the genuineness / authenticity of the assignment of the petitioner, the sale deeds came to be registered in March 2014. However, when the petitioner has made an application seeking patta based on the sale deed in his favour, the said applications has been rejected, on the ground that the subject land is classified as "Government Poromboke" and further it is contended that assignments cannot be granted to two members of the same family.

4. Be that as it may, when the petitioner had made an application for transfer of patta, based on a registered sale deed in his favour, preceded by a No objection certificate issued by the Tahsildar himself, who is the second respondent herein, without even affording an opportunity to the petitioner to satisfy the authority concerned, regarding



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the title to the subject land, the request for patta has been rejected. No opportunity has been granted to the petitioner before the rejection order came to be passed. Therefore, on this limited ground, the impugned order of the second respondent is set aside and matter is remitted to the Tahsildar.

5. The Tahsildar, Thiruverumbur Taluk, shall conduct an enquiry, after issuing in advance notice to the petitioner and dispose of the application for transfer of patta based on the materials made available by the petitioner. The said exercise should be completed within a period of eight weeks from the date of receipt of copy of this order.

6. It is made clear that the Tahsildar, Thiruverumbur Taluk, shall pass orders on the merits of the application filed by the petitioner, without being prejudiced by any of the observations that may have been made herein above.



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7. With the above direction, this Writ Petition is disposed of.

There shall be no order as to costs. Consequently, connected
Miscellaneous Petition is closed.

Index : Yes / No
NCC : Yes / No
LS

19.02.2025

TO:-

1. The Tahsildar
Thiruverumbur Taluk Office,
Trichy District.
2. The Zonal Deputy Tahsildar
Thiruverumbur Taluk Office,
Trichy District.



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P.B. BALAJI, J.

LS

Order made in
W.P.(MD)No.29157 of 2024

Dated:
19.02.2025
(2/2)