

In the High Court of Judicature at Madras

Dated: 23.7.2015

Coram:

The Hon'ble Mr.Justice M.Jaichandren

Writ Petition No.1034 of 2012

- 1.A.Bernath Samuel Johnson
- 2.M.Brijithaa
- 3.K.Leema Rose
- 4.A.Poulin Kentilda
- 5.I.Fathima
- 6.D.Joy Amali
- 7.J.Aalis Mary
- 8.M.Lourdu Nadhan
- 9.A.Poulin
- 10.D.Juli
- 11.R.Augustin
- 12.S.Durairaj
- 13.A.Regina
- 14.S.Lobarsamy
- 15.T.Sivanandam
- 16.S.John Britto
- 17.N.Selvi
- 18.Anitha Carlton
- 19.C.Balasubramanian
- 20.I.Sivanandam

... Petitioners

vs.

1. The District Collector,
Collectorate, Nagapattinam.

2. The Revenue Divisional Officer,
Nagapattinam.

3. The Tahsildar,
Kilvelur, Velankanni,
Nagapattinam Dist.

4. The Executive Officer,
Special Grade Panchayat, Velankanni. .. Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records pertaining to the impugned order passed by the 2nd respondent in Na.Ka.5903/2011/A4, dated 16.9.2011, and quash the same and to consequently direct the respondents to allot houses to the petitioners herein.

For petitioner : Mr.Babu Rangasamy
For respondents : Mr.R.M.Muthukumar R4
R1 to R3 dismissed

O R D E R

Heard the learned counsels appearing on behalf of the parties concerned.

2. This Writ Petition has been filed by the petitioners challenging the order passed by the 2nd respondent, dated 16.9.2011, and to consequently direct the respondents to allot houses in favour of the petitioners herein.

3. The learned counsel appearing on behalf of the petitioners had submitted that in spite of several representations having been made to the respondents, along with the supporting documents, to show that some of the persons mentioned in the said representations are entitled for allotment of houses, under the Tsunami Rehabilitation Scheme, the respondents had not taken into consideration those representations. However, the respondents had issued orders of allotment to a number of persons, who are ineligible for such allotment.

4. A counter affidavit had been filed on behalf of the respondents stating that, pursuant to the representations made by various persons, with regard to the allotment of the houses under the Tsunami Rehabilitation Scheme, a Committee consisting of the Revenue Divisional Officer, Nagapattinam, The Tahsildar, Kilvelur, The Executive Officer, Special Grade Town Panchayat, The Zonal Deputy Tahsildar, Kilvelur, The Revenue Inspector, Velankanni, The Village Administrative Officer, Velankanni, The Field Surveyor, Velankanni, The Village Assistant, Velankanni, had been formed. The said Committee had gone into the allegations made in the representations made by various persons, who had not been allotted the houses under the said Scheme. Thereafter, a final list of eligible persons had been issued, and therefore, the allegations made by the petitioners cannot be held to be valid in the eye of law.

5. The learned counsel appearing on behalf of the respondents had brought to the notice of this Court that the Writ Petition had been dismissed as against respondents 1 to 3, for non-compliance of the requirements of the Registry, by an order passed by this Court, on 4.10.2012. In such circumstances, the relief prayed for by the petitioners, in the present Writ Petition, cannot survive.

6. In view of the averments made in the counter affidavit filed on behalf of the respondents and in view of the submissions made by the learned counsel appearing on behalf of the respondents, this Court is of the view that the relief prayed for by the petitioners, in the present Writ Petition, cannot be granted, at this stage. However, if the petitioners are aggrieved by the impugned order passed by the 2nd respondent, dated 16.9.2011, in granting allotment

of the houses to various persons, under the Tsunami Rehabilitation Scheme, it would be open to them to make appropriate applications before the 1st respondent-District Collector, Nagapattinam, with regard to the alleged improper allotment of the houses under the said Scheme. Such applications shall be made by the petitioners, within a period of four weeks from the date of receipt of a copy of this order. On receipt of such applications, they shall be considered and appropriate orders shall be passed by the 1st respondent, as expeditiously as possible.

7. With the above observations, the Writ Petition stands dismissed. No costs. M.P.Nos.1 and 2 of 2012 are closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

gs.

To

1. The District Collector,
Collectorate, Nagapattinam.
- 2.The Revenue Divisional Officer,
Nagapattinam.
- 3.The Tahsildar,
Kilvelur, Velankanni,
Nagapattinam Dist.
- 4.The Executive Officer,
Special Grade Panchayat,
Velankanni.

skv(co)
kra(28/07)

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