

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No.26951 of 2014

and

M.P.No.1 of 2014

G.Vitto Bhoy

... Petitioner

-Vs-

The Tashildar (Revenue)
Gingee,
Villupuram District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the respondent bearing Na.Ka(A.2)/2583/2013 dated 29.09.2014 and to quash the same with consequential direction to the respondent to provide an opportunity of being heard to the petitioner in relation to Assignment of land and grant of patta in respect of land comprised in Survey No.70/1, Keezhmazhar village, Ananthapuram Town, Gingee (Taluk) Villupuram District in accordance with law.

For Petitioner : Mr.H.Nazirudeen

For Respondent : Mr.S.Pattabiraman
Government Advocate

O R D E R

The petitioner, who is the wife of a Retired Head Master, receiving pension has made a request for assignment patta based upon the possession. As her request was not considered, the petitioner has approached this Court by filing W.P.No.31818 of 2013 and this Court by order dated 01.07.2014 has disposed of the writ petition, the relevant portion of which reads as follows:

"Considering the limited prayer sought for by the petitioner, without going into the merits

of the matter, the respondent is directed to consider the petition of the petitioner, dated 02.08.2013 in accordance with law and on merits and after affording an opportunity to the persons who are likely to be affected, pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. "

2. After due consideration of the representation, the order impugned has been passed rejecting the request of the petitioner. Challenging the same, the present Writ Petition has been filed.

3. The following are the reasons assigned therein :- The petitioner is a well settled lady and there is a two storeyed building in the name of petitioner's husband. The petitioner is having four male legal heirs and free assignment has been given in favour of the first daughter-in-law. Apart from the same, the petitioner's first son has got a house. Further, he has built up two storeyed building therein. The second son is working as a Pharmacist in the Government Hospital and the third son is working in the Tamil Nadu Water Supply and Drainage Board. In the name of third son also, there is a two storeyed house. The fourth son is running a Medical shop on his own. Enquiry reveals that the petitioner along with her husband and her sons are not living in poverty. The petitioner has not placed the correct facts before the authorities as well as before this Court. The object of the Government order is to regularize the encroachment with respect to poor persons who do not have any place to live. Accordingly, the request of the petitioner was rejected.

4. The facts narrated above speak for themselves and nothing more to be added. It is the case of the petitioner that she comes under the purview of the G.O.B2/2583/2013. There is no contra material to discard the statement made in the order impugned about the affluent nature of the petitioner and her family.

5. In such view of the matter, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kkd

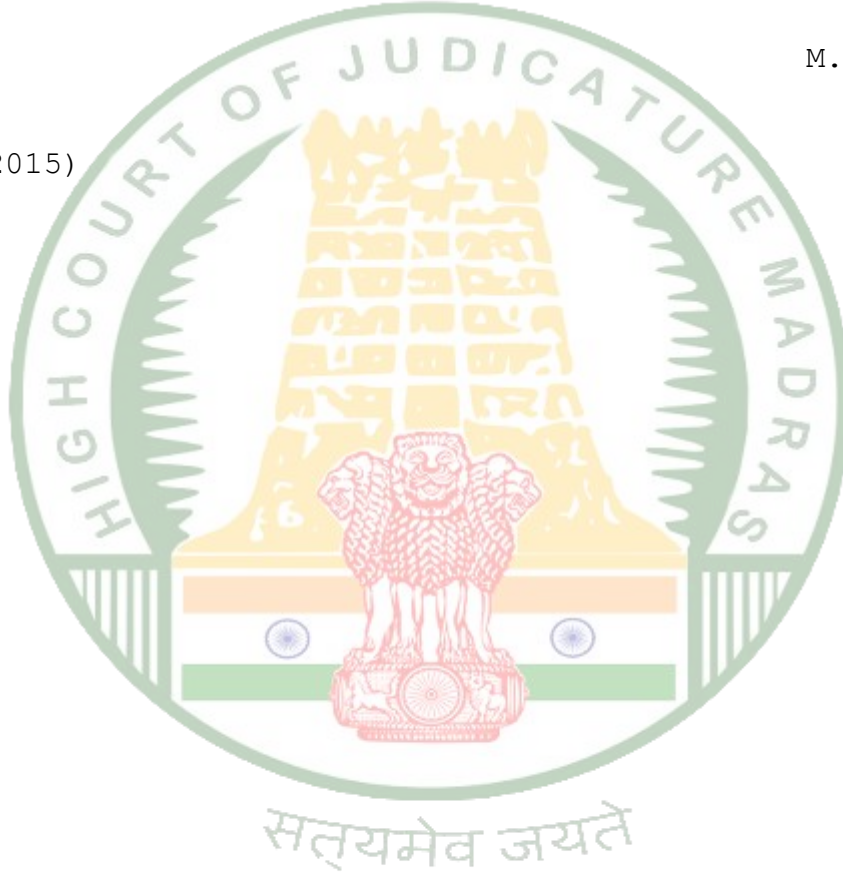
To

The Tashildar (Revenue)
Gingee,
Villupuram District.

+1cc to Mr.M.Nazirudeen, Advocate, S.R.No.44334
+1cc to the Government Pleader, S.R.No.44165

W.P.No.26951 of 2014
and
M.P.No.1 of 2014

GJ(CO)
CA(09/09/2015)



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