

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.3744/2015

&

MP.No.1/2015

- 1.M.Shanthi
- 2.S.Subbulakshmi
- 3.Valarmathi
- 4.Mohanambal @ Mohanasundari
- 5.Pounambal
- 6.Kannammal
- 7.Rukmani
- 8.Chittheeswari
- 9.Ammanniammal
- 10.Kaliyammal
- 11.Devathal
- 12.Saraswathi
- 13.Pavayammal
- 14.Vasanthi
- 15.Angammal
- 16.Palaniammal
- 17.Shanthi
- 18.Saraswathi
- 19.Mylathal
- 20.Saraswathi
- 21.Chinnammal

...Petitioners

Versus

1. The District Collector
Erode District, Erode.
2. The Tahsildar
Erode Taluk, Erode,
Erode District.

WEB COPY

3. The Special Tahsildar
Backward Class Welfare Department
Collectorate, Erode.

4. The Inspector of Police
Arachalur Police Station
Arachalur, Erode Taluk and District.

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 2 and 3 to permit the petitioners to put up huts/construct the house in RS.No.732., Thuyampoondurai Village, Erode Taluk and District as per free house site patta issued by the 2nd respondent herein.

For Petitioners : Mr.C.Prakasam

For Respondents : Mr.S.Gunasekaran, GA

ORDER

Heard Mr.C.Prakasam, learned counsel for the petitioners and Mr.S.Gunasekaran, learned Government Advocate appearing for the respondents and with their consent, the writ petition is disposed of at the admission stage itself.

2.The petitioners seek for issuance of a writ of mandamus to direct the respondents 2 and 3 to permit the petitioners to put up huts/construct the house in RS.No.732., Thuyampoondurai Village, Erode Taluk and District as per free house site patta issued by the 2nd respondent herein.

3.The petitioners would state that free house site patta was granted to them on 31.03.1993 and since the area is a low lying area, the lands are fully water-logged for about six months in a year. Therefore, they were not in a position to put up huts/construct houses. Subsequently, when they approached the respondents for grant of financial assistance under the Green House Scheme, they were directed by the officials concerned to level the land and only thereafter, their request for grant of patta can be considered. While so, the petitioners apprehend that the patta will be cancelled and the lands will be allotted to certain politically influenced persons. The correctness of this submission cannot be considered at this stage of the matter. However, it would be suffice to observe that as long as the assignment of patta granted in favour of the

petitioners has not been cancelled or revoked, the petitioners are entitled to enjoy the property in terms of the patta granted. However, if the patta has already been cancelled or revoked, then the benefit of the above observation will not be available to the petitioners.

4. With the above observation, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

AP

To

1. The District Collector
Erode District, Erode.
2. The Tahsildar
Erode Taluk, Erode,
Erode District.
3. The Special Tahsildar
Backward Class Welfare Department
Collectorate, Erode.
4. The Inspector of Police
Arachalur Police Station
Arachalur, Erode Taluk and District.

1 CC to Mr.C.Prakasam, Advocate SR.No. 7944

WEB COPY

WP.No.3744/2015
and M.P.No.1 of 2015

RSY (CO)
PSI (13.02.2015)