

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.7185 of 2015

R.Dharmamuthu Raja

..Petitioner

Versus

1.The Chief Secretary
Government of Puducherry
Secretariat, Goubert Avenue
Pondicherry 605 013.

2.The Secretary, Home Department
Secretariat, Government of Puducherry
Puducherry 605 013.

3.The Director
Department of Sainik Welfare
Jawan Bhavan Complex
261, Lawspet Main Raod
Pakkamudayanpet,
Lawspet, Pondicherry 605 008.

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of MANDAMUS directing the respondents to implement the G.O.[Ms] No.56, dated 12.12.2005 Home Department, Government of Puducherry, published in the Gazette of Puducherry vide No.80, 19.12.2005 and consider his representation dated 03.09.2014 on the basis of said GO, seeks assignment of land/house site, in accordance with law within a time frame to be fixed by this Court.

For Petitioner : Mr.R.Veeramani

For Respondents: Mr.A.Tamilvanan, GA [Puducherry]

ORDER

Heard Mr.R.Veeramani, learned counsel for the petitioner and Mr.A.Tamilvanan, learned Government Advocate [Puducherry] appearing on behalf of the respondents and with their consent, the writ petition is disposed of at the admission stage itself.

2.The petitioner is an Ex-Serviceman and he has sought for a direction upon respondents 1 and 2 to implement the scheme which was issued by the Government of Pondicherry vide G.O.[Ms] No.56 dated 12.12.2005. The said G.O. was notified in the Gazette of Pondicherry dated 19.12.2005. The scheme provides for Guidelines/Rules for the scheme of assigning free house sites to the Ex-Servicemen/wife in the Union Territory of Pondicherry after their retirement from Armed Forces and the petitioner wanted house site allotted to him by extending the benefit of the said scheme. When he made a representation to the 3rd respondent to recommend his application, the 3rd respondent sent a reply on 08.10.2012 stating that the scheme is not yet approved by the Government of Puducherry. Hence, the application for house site patta was returned. Thereafter, the petitioner submitted a representation to the respondents 1 and 2 on 03.09.2014 which has been acknowledged by the respondents on 05.09.2014 vide postal acknowledgment card. Since, the same has not been considered, the petitioner is before this Court.

3.In the light of the fact that the scheme has already been notified in the Government Gazette, the 2nd respondent shall consider as to whether the scheme has to be implemented and as to why the same has not been given effect to till date.

4.Accordingly, there will be a direction to the 2nd respondent to consider the petitioner's representation and give proper reply to the petitioner so as to enable the petitioner to work out his remedy in the manner known to law. The above said direction shall be complied with the 2nd respondent within a period of eight weeks from the date of receipt of a copy of this order.

5.The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

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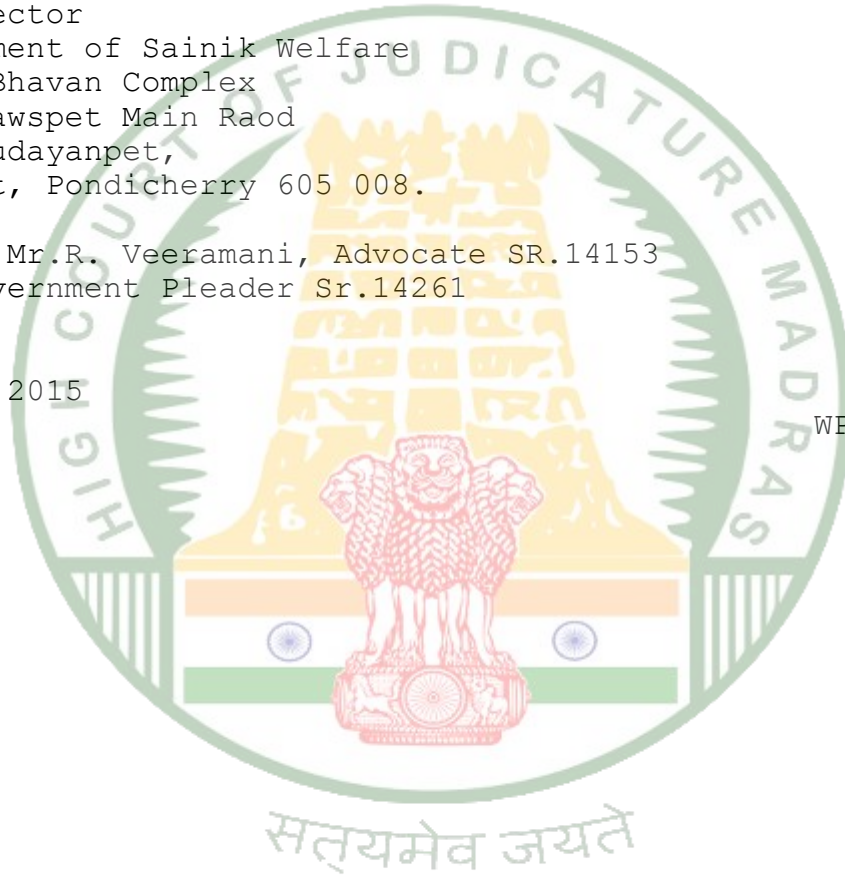
To

- 1.The Chief Secretary
Government of Puducherry
Secretariat, Goubert Avenue
Pondicherry 605 013.
- 2.The Secretary, Home Department
Secretariat, Government of Puducherry
Puducherry 605 013.
- 3.The Director
Department of Sainik Welfare
Jawan Bhavan Complex
261, Lawspet Main Road
Pakkamudayanpet,
Lawspet, Pondicherry 605 008.

+ 1 cc to Mr.R. Veeramani, Advocate SR.14153
+ 1 cc Government Pleader Sr.14261

RK(CO)
EU 01.04.2015

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