

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.Nos.9259 to 9261/2015

Mrs.Nirmala

Petitioner in WP.No.9259/2015

Mrs.Azhagammal

.. Petitioner in

WP.No.9260/2015

Mrs.Mani

.. Petitioner in

WP.No.9261/2015

Versus

1.The District Collector
Erode District, Erode.

2.The Tahsildar
Perundurai, Erode District.

.. Respondents in
all the Writ petitions

Writ petitions filed under Article 226 of the Constitution of India praying for a writ of mandamus to direct the 2nd respondent to grant patta to the petitioners by considering the petitioners' applications for the grant of patta dated 05.08.2014 ; 18.08.2014 and 05.08.2014.

For Petitioners in
all the writ petitions: Mr.A.Thiyagarajan, Senior
Counsel for Mr.S.Ramesh Kumar

For R1 and R2 in all
the writ petitions : Mr.R.Vijayakumar, AGP

COMMON ORDER

Heard Mr.A.Thiyagarajan, learned Senior Counsel appearing for Mr.S.Ramesh Kumar, learned counsel for the petitioner ; Mr.R.Vijayakumar, learned Additional Government Pleader accepting notice for the respondents and with their consent, the writ petition is disposed of at the admission stage itself. Since the issue involved in the above writ petitions and the respondents are one and the same, the said writ petitions are disposed of by the following common order.

2.The petitioners seek for grant of patta by placing reliance on the Government Order in G.O.Ms.No.372 dated 26.08.2014. On a perusal of the said Government Order, it is seen that the Government Order was issued pursuant to the statement made by the Honourable Chief Minister, stating that the landless poor who have been residing in the Government property without any objection, would be entitled to grant of house site to an extent of 3 cents.

3.From the past experience, this Court has come to know that the provisions of the said Government Order and the earlier Government Orders are being misused and abused. There is no distinction as regards the genuine claimant for granting of free house site patta and land grabbers. It is not known as to how the revenue authorities monitor the implementation of the Government Order. Therefore, it is for the authorities to consider the request made under the said Government Order for which no writ of mandamus can be issued. In the instant case, the petitioners would state that they have been living in the said lands for several years. Unfortunately, in the typed set of papers, except for the Election Commission of India Voter Identity Cards [WP.Nos.9259 and 9261/2015] and Ration Card [WP.No.9260/2015] given in the year 2005 and three receipts stated to be the House Tax receipts, issued by the Village Panchayat for the years 2011-2012, 2012-2013 and 2013-2014 have been produced, there is no scrap of paper to establish that the petitioners have been residing in the said places for time immemorial. That apart, there is no record to show that the petitioners are landless poor.

4.Hence, the relief sought for cannot be granted and the writ petitions stand dismissed. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The District Collector
Erode District, Erode.

2.The Tahsildar
Perundurai, Erode District.

+1 cc to Government Pleader,SR.18388.

sr(co)
krd 10/4

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