



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P. (MD) .No.16029 of 2015

Pitchaivel

:Petitioner

vs.

1.The District Collector,
Madurai District,
Collectorate,
Collector Office Road,
Madurai.

2.The Deputy Block Development Officer,
T.Kallupatti Panchayat Union,
Madurai District.

3.The Block Development Officer,
District Rural Development Office,
Collector Office Road, Madurai.

4.The Tahsildar,
T.Kallupatti, Peraiyur,
Madurai District.

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus, directing the 1st respondent to consider the representation, dated 17.09.2012 and the reminders dated 01.06.2015 and 19.08.2015 sent by the petitioner to the 1st respondent herein and to consider allotment of house to this petitioner, as the petitioner is very poor person living in mud wall tiled house which requirement is mandated in the GO.Ms.No.59 Rural Development and Panchayat Raj Department, dated 16.04.2008, for allotment of houses in Samathuvapuram house scheme.

For Petitioner :Mr.K.K.Balaram

For Respondents :Mr.K.Mahesh Raja
(R1, 2, & 4) Govt.Advocate

For Respondent-3 :Mr.Aayiram K.Selvakumar,
Addl.Govt.Pleader

**ORDER**

The Writ Petition has been filed praying for issuance of a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation, dated 17.09.2012 and the reminders dated 01.06.2015 and 19.08.2015 sent to the 1st respondent and to consider allotment of house to him, as the petitioner is a very poor person living in mud wall tiled house, which requirement is mandated in the GO.Ms.No.59, Rural Development and Panchayat Raj Department, dated 16.04.2008, for allotment of houses in Samathuvapuram House Scheme.

2. The case of the petitioner is that he had applied for allotment of Samathuvapuram House, built at Modagam Village, situated at T.Kallupatti Panchayat Union, Madurai District, on 17.09.2012, to the District Collector, Madurai. An acknowledgement has also been given to the petitioner towards receipt of the application submitted. Subsequently, the petitioner had received a letter from the 2nd respondent on 17.09.2012, intimating the petitioner that his application for allotment of house at Madagam Village under Samathuvapuram Scheme would be considered. But, during last week of May, 2015, the petitioner came to know that Samathuvapuram Houses are being allotted to some influential persons. Hence, the petitioner, on 01.06.2015, again made a request to the 1st respondent, for allotment of house and the said letter was also acknowledged by the first respondent. On 22.07.2015, the petitioner received a letter from the 2nd respondent stating that Samathuvapuram houses at Madagam Village situated at T.Kallupatti Panchayat Union, Madurai District, have already allotted to the beneficiaries. Hence, the petitioner again gave a representation on 19.08.2015, for allotment of house at Madagam Village under Samathuvapuram Scheme.

3. Heard both sides.

4. Even according to the learned counsel for the petitioner, his earlier representation was considered and intimation was sent to him by the respondents stating that Samathuvapuram houses at Madagam Village situated at T.Kallupatti Panchayat Union, Madurai District, have already been allotted to the beneficiaries. Since the petitioner representation had already been considered by the respondents, now the question of giving direction to the respondents to consider the representation does not arise. If the petitioner is aggrieved over the said allotment of Samathuvapuram houses at Madagam Village, it is always open to the petitioner to challenge the said allotment order. This Court is not inclined to entertain the writ petition and the same is liable to be dismissed.

5. In the result, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar



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4.The Tahsildar,
T.Kallupatti, Peraiyur,
Madurai District.

+1CC to Mr.K.K.Balaram Advocate Sr.No.51366
+1CC to Spl.Government Pleader Sr.No.51723

GJM/AN/MP/14.9.15-3P-7C

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