



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **08.09.2015**

CORAM

THE HONOURABLE **MR. JUSTICE R. SUBBIAH**

WEB COPY

W.P(MD) .No.16246 of 2015

A.Francis ... Petitioner

Vs.

1.The Director of Rural Development and
Panchayat Department, Chennai.

2.The District Collector,
Dindigul District, Dindigul.

3.The Assistant Director of Panchayat,
Dindigul District, Dindigul.

4.The Revenue Divisional Officer,
Dindigul District,
Dindigul.

5.The Tahsildar,
Aathur Taluk Office,
Aathur, Dindigul District.

6.The Block Development Officer,
Aathur Panchayat Union,
Station at Sempatti,
Aathur Taluk, Dindigul District.

... Respondents

This Writ Petition has been filed under Article 226 of Constitution of India praying for a Writ of Mandamus directing the respondents herein to issue free house site patta to the petitioner's house bearing D.No.3/191 comprised in S.No.448 of Ambathurai Village, Aathoor Taluk by taking into consideration of all Government orders in this regard and also by considering the petitioner's appeal petition, dated 11.08.2015 within the time stipulated by this Court.

For petitioner : Mr.M.Thirunavukkarasu
For Respondents : Mr.M.Rajarajan,
Government Advocate

ORDER



patta to the petitioner's house bearing D.No.3/191 comprised in S.No.448 of Ambathurai Village, Aathoor Taluk by taking into consideration of all Government orders in this regard and also by considering the petitioner's appeal petition, dated 11.08.2015, within a stipulated time.

2. Mr.M.Rajarajan, learned Government Advocate takes notice for the respondents.

3. By consent, this Writ Petition itself is taken up final disposal.

4.The case of the petitioner is that the petitioner is residing at Door.No.3/191, Amali Nagar Pirivu, Perumal Kovilpatti, Ambathurai Village, Aathur Taluk, Dindigul District, for more than twenty years by putting up a small asbestos roofed house and running a tea shop attached to the front portion of the house. Even in the year 1992 itself, the Government has issued 'B' memo to the petitioner. Thereafter, the petitioner was assigned with house tax receipt in respect of Door No.3/191 by Ambathurai Panchayat. The petitioner has been regularly paying house tax as well as electricity charges for the past several years. Thereafter, taking into consideration the continuous and uninterrupted long possession, Ambathurai Village Panchayat has passed a resolution No.22, dated 15.02.2013 to issue patta to the petitioner. Hence, the petitioner submitted an application before the fifth respondent to grant free house site patta to the petitioner in respect of Survey No.448 measuring to an extent of 1 ½ cents. But the fifth respondent rejected the application of the petitioner on the ground that the Block Development Officer, Aathur objected to issue patta in favour of the petitioner. Hence, the petitioner made a representation to the second respondent. But, even thereafter, the fifth respondent has passed the same order. Therefore, the petitioner filed an appeal before the respondents 1 to 4 on 11.08.2015. But the said appeal is pending without any consideration. Hence, the petitioner has come forward with the Writ Petition for the above stated relief.

5. Considering the submission made on either side, without going into the merits of the matter, this Court directs the respondents to consider the representation of the petitioner, dated 11.08.2015 and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, by affording an opportunity of hearing to all the necessary parties. It is made clear, this Court has not expressed any opinion on the merits of the claim made by the petitioner and it is for the respondents to consider the same



With the above direction, the Writ Petition is disposed of.
No Costs.

WEB COPY

/True Copy/

Sd/-
Assistant Registrar

Sub Assistant Registrar

To

- 1.The Director of Rural Development and
Panchayat Department, Chennai.
- 2.The District Collector,
Dindigul District, Dindigul.
- 3.The Assistant Director of Panchayat,
Dindigul District, Dindigul.
- 4.The Revenue Divisional Officer,
Dindigul District,
Dindigul.
- 5.The Tahsildar,
Aathur Taluk Office, Aathur, Dindigul District.
- 6.The Block Development Officer,
Aathur Panchayat Union,
Station at Sempatti,
Aathur Taluk, Dindigul District.

+1cc to Mr.M.Thirunavukkarasu, Advocate Sr.No. 52569

+1cc to Spl.GOvernemnt Pleader Sr.No. 53247

pm

AA/AAL-MPA/07.10.2015/3p-9c

W.P (MD) .No.16246 of 2015
08.09.2015