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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD)No.19512 of 2015

- 1.Antonysamy
- 2.Fransis Saviar
- 3.Arockiyadoss
- 4.Manoharan
- 5.Arockiyamary
- 6.David
- 7.Singarayar
- 8.Mathiyazhagan
- 9.Paulraj
- 10.Bastian
- 11.Savariyammal
- 12.Selvaraj
- 13.Kulanthai Yesu
- 14.Sahayadoss
- 15.Natarajan
- 16.Selvaraj

..Petitioners

Vs

- 1.The District Collector,
Trichy District,
Trichy.
- 2.The Tahsildar,
Thuvakudi Taluk,
Thuvakudi,
Trichy District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF MANDAMUS directing the respondents to consider the representation of the petitioners, dated 24.07.2015 in accordance with law within the time stipulated by this Court and thereby issue house site patta to the petitioners for the property comprised in Survey No.186 situated at East street, Thuvakudi, Trichy Taluk, Trichy District.

For Petitioners :Mr.M.Kaliraj

For Respondents :Mr.M.Murugan,

Government Advocate

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the respondents to consider the representation of the petitioners, dated 24.07.2015 to issue house site patta to the petitioners for the property comprised in Survey No.186 situated at



East street, Thuvakudi, Trichy Taluk, Trichy District, within a stipulated time.

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

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

4. In the affidavit it has been averred that the petitioners are landless poor people and they do not have permanent house and they are residing in Survey No. 186 in Thuvakudi, Trichy District for the past 40 years without any interference and their children are studying in the nearby schools. Under such circumstances, the Commissioner of Municipality, Thuvakudi Municipality has issued a notice stating that the petitioners had encroached the subject property and hence, directed the petitioners to vacate the same. Since the petitioners do not have any alternative residential place, the petitioners have made a representation to the respondents on 24.07.2015 requesting to issue patta to them. Since the same has not been considered so far, the petitioners have come forward with the present Writ Petition for the above stated relief.

5. Considering the submission made by the learned counsel for the petitioner, without going into the merits of the averments made in the Writ Petition, this Court directs the second respondent to consider the representation of the petitioner, dated 24.07.2015 and pass appropriate orders on merits and in accordance with law, by affording an opportunity of hearing to all the necessary parties, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioners and it is for the second respondent to consider the same purely on merits.

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

Sd/-

Assistant Registrar (C.S. -I)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector, Trichy District, Trichy.

2. The Tahsildar, Thuvakudi Taluk, Thuvakudi, Trichy District.

+1cc to Mr. M. Kaliraj, Advocate SR.No. 63047

+1cc to The Special Government Pleader Sr.No. 63183



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