



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :30.10.2015

CORAM

WEB COPY

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

W.P(MD) .No.19759 of 2015

R.Palpandian

... Petitioner

Vs.

1.The District Collector,  
Tirunelveli District,  
Tirunelveli.

2.The Special Tahsildar,  
Adi Dravidar Welfare Department,  
Sankarankovil Taluk,  
Tirunelveli District.

... Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents herein to issue patta in the petitioner's name in respect of the house site bearing No.11 comprised in Survey No.249/3B of an extent of 3 cents situated at Sillikulam, Chinnakovilankulam Village, Sankarankovil Taluk, was allotted to one Selvi Wife of Perumal vide proceedings in Na.Ka.No.Aa 2129/97, dated 20.04.1998 under the Adi Dravidar Welfare Scheme by considering the petitioner's representation, dated 08.09.2015 within the time stipulated by this Court.

For petitioner : Mr.J.Lawrance

For Respondents : Mr.S.Kumar,

Additional Government Pleader

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the respondents herein to issue patta in the petitioner's name in respect of the house site bearing No.11 comprised in Survey No.249/3B measuring to an extent of 3 cents situated at Sillikulam, Chinnakovilankulam Village, Sankarankovil Taluk, by considering the petitioner's representation, dated 08.09.2015, within a stipulated time.

2. Mr.S.Kumar, learned Additional Government Pleader takes notice for the respondents.

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



4. In the affidavit it has been averred that the petitioner is the resident of Karumbalai East Street, Madurai - 625 020 and is eking out his livelihood by doing coolie works. The petitioner got marriage with one Muthumari and due to the wedlock, they are blessed with three children. The Government of Tamil Nadu in order to develop and improve the conditions of the poor and downtrodden decided to acquire surplus lands and after laying plots. In the course of such allotment, the house site bearing No.11 comprised in Survey No.249/3B measuring to an extent of 3 cents situated at Sillikulam, Chinnakovilankulam Village, Sankarankovil Taluk, was allotted to one Selvi, Wife of Perumal vide proceedings in Na.ka.No.Aa 2129/97, dated 20.04.1998 by the then second respondent under the Adi Dravidar Welfare Scheme and she was in possession and enjoyment of the same and all the revenue records stand in her name. The said Selvi and Perumal did not have any issue out of their marriage. The wife of the petitioner by name Muthumari, was none other than brother's daughter of Perumal, the husband of Selvi. Hence, the said Muthumari was taken adoption by the said Selvi and Perumal, while she was young. In the circumstances, the said Selvi died leaving her husband and the wife of the petitioner as his legal heirs. While so, the wife of the petitioner died on 01.11.2010. Thereafter, on 22.08.2012, the said Perumal also died due to serious illness. Hence, the petitioner has made representation to the respondents on 18.09.2015 requesting him to issue patta in the name of the petitioner. But, the same was not considered so far. Hence, the petitioner has come forward with the present Writ Petition for the above stated relief.

5. Considering the submissions made by the learned counsel appearing for the petitioner, without going into merits of the claim made by the petitioner, this Court directs the second respondent to consider the application of the petitioner, dated 18.09.2015, and pass appropriate orders, to issue patta in the petitioner's name in respect of the house site bearing No.11 comprised in Survey No.249/3B measuring to an extent of 3 cents situated at Sillikulam, Chinnakovilankulam Village, Sankarankovil Taluk, on merits and in accordance with law, by affording an opportunity of hearing to all the necessary parties. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioner 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(T&P)



To

1.The District Collector,  
Tirunelveli District,  
Tirunelveli.

2.The Special Tahsildar,  
Adi Dravidar Welfare Department,  
Sankarankovil Taluk,  
Tirunelveli District.

+One c to the Special Government Pleader, SR.No.64275

+One cc to Mr.J.Lawrance, Advocate, SR.No.64576

pm

RL/5c/PM/3/12/2015

W.P (MD) .No.19759 of 2015

30.10.2015