

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2016

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.10394 of 2016

and

WMP.No.9172 of 2016

G.Gopi

... Petitioner

Vs.

1. The State of Puducherry, Rep. by its
Chief Secretary to Government,
Secretariat, Puducherry State,
Puducherry.
 2. The Director of Adi-Dravidar and Welfare Department,
Adi-Dravidar Welfare Department,
Puducherry State,
Puducherry.
 3. The District Collector
Office of the District Collector,
Puducherry State,
Puducherry.
- Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, directing the respondents 1 to 3 to allot the house to the petitioner and also conduct proper enquiry regarding the allotment of houses to uneligible allottees made by the second respondent, based on the representation of the petitioner, dated 10.03.2016, till then not to allot the houses for un eligible persons.

For Petitioner : Mr.K.Sathyaraj

For Respondents: Mr.C.T.Ramesh, AGP (P)

O R D E R

The writ petition has been filed under Article 226 of the Constitution of India, seeking an order in the nature of writ of mandamus, directing the respondents 1 to 3 to allot the house to the petitioner and also conduct proper enquiry regarding the allotment of houses to uneligible allottees made by the second

respondent, based on the representation of the petitioner, dated 10.03.2016, till then not to allot the houses for un eligible persons.

2. The petitioner has averred in his affidavit that he is residing in No.18, D.B.G.Nagar, Kalitheerthalkuppam, Mathakadipattu Post, Puducherry State for the past 30 years along with his family members and passed Eighth standard. Now he is working as contract labourer in the private company. On 10.04.1996, the father of the petitioner, Mr.Govindan died and after his death, the petitioner and his family members were living in the relative's house and the petitioner is not owning any house. The mother of the petitioner is working as coolie and the entire family are depending upon the income of his mother.

3. The petitioner has further stated that her mother made several representation to the respondents for issuance of house patta, since she had not owned any house in Puducherry state. Even after receiving the representation of the mother of the petitioner, the respondents did not consider the said representation to issue the house patta to their family. In the year 2015, the second respondent had invited the application for allotting 65 houses for the Adi Dravidars in the name of Adi-Dravidar Welfare Department Housing Scheme. The petitioner made an application by requesting to allot a house. The second respondent has formulated a selection committee for the purpose of selecting the Adi-Dravidars Community peoples for allotting the houses. On 29.02.2016, the second respondent has allotted the houses to several other persons, except the petitioner.

4. Thereafter, the second respondent has issued the list of persons recommended by the selection committee for issuance of dwelling units at Kalitheerthalkuppampet, Puducherry. After enquiry, the petitioner came to know that nearly 35 persons who were in the list, made an application before the second respondent for allotting the house, only on 31.12.2015, 16.01.2016 and 06.02.2016, but without conducting proper enquiry, the second respondent have allotted the houses to these persons. Moreover, the aforesaid persons were owning houses and according to the petitioner, the second respondent has allotted houses to the persons, who were not eligible.

5. Hence, he made a representation on 10.03.2016 to the respondents, requesting them to allot a house to him and also conduct a proper enquiry in respect of allotment made to other allottees. But the respondents did not consider the representation of the petitioner and hence, the petitioner has approached this Court, by way of filing this writ petition, seeking for the relief as stated supra.

6. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents.

7. Considering the facts and circumstances and after hearing the submissions of both sides, I am of the opinion it would be appropriate to direct the respondents to dispose the representation of the petitioner. Accordingly, without going into the merits of the case of the petitioner, this Court directs the petitioner to give a fresh representation to the respondents along with the copy of this order, within a period of one week from the date of receipt of a copy of this order and on receipt of such representation from the petitioner, respondents are directed to dispose the said representation of the petitioner, within a period of Eight weeks from the date of receipt of the said representation, after affording reasonable opportunity of personal hearing to the petitioner. It is also made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petitioner and it is open to the respondents to decide the issue purely on merits and in accordance with law.

8. With the above observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

tsvn

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Chief Secretary to Government
State of Puducherry,
Secretariat, Puducherry State,
Puducherry.
2. The Director of Adi-Dravidar and Welfare Department,
Adi-Dravidar Welfare Department,
Puducherry State,
Puducherry.

3. The District Collector
Office of the District Collector,
Puducherry State,
Puducherry.

+ 1 cc to Mr.K.Sathyaraj, Advocate SR 17909

+ 1 cc to The Govt.Pleader for Puducherry High Court, Mds.
SR 17992

KR/1/4/16

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