

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.10436 of 2014

A.Sankar

.. Petitioner

-vs-

1.The District Collector,
Collectorate, Salem District.

2.The Tahsildar,
Omalur Taluk Office,
Omalur Taluk, Salem District.

3.The Salem Diocese Society,
rep. by its President Most Rev.Dr.Singaroyan,
Roman Catholic Bishop of Salem,
Maravaneri,
Salem-7

.. Respondents

(Respondent No.3 impleaded
as per this order)

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondent to consider the grievance of the petitioner and to give house site patta to the residents in S.No.21/4 extent of 1.11.5 Hectares situated at Kottamettupatti village, Omalur Taluk and Salem District.

For Petitioner : Mr.P.Vijendran

For Respondents : Mr.R.Vijayakumar
Addl. G.P. for R1 & R2
Mr.S.M.Edward Stanley for R3

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O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

On hearing the learned counsel for parties, it clearly emerges that there is conflict of interest involved between the petitioner and the beneficiary of the land - Salem Diocese Society, which has established a Leprosy Institution. The learned counsel for Salem Diocese Society is present and seeks impleadment as respondent No.3. We accede to the request and order accordingly.

2. The facts are that the land in S.No.21/4 was assigned to the Diocess Society to establish a Leprosy Institution on 14.08.1975. The learned counsel for respondent No.3 states that the Institution has been established and running with Government aid and endeavours have also been made over the last half a century to eradicate Leprosy in six Districts. It is his submission that some local residents have been endeavouring to harass and obstruct the functioning of the said Society.

3. On the other hand, the case of the petitioner is that they have been violating the terms and conditions of the allotment as the said land ought to have been made available to Adi-Dravida community and some inhabitants are also stated to have put up huts in the area. There are certain orders placed on record passed by different Government authorities qua the issue from time to time and that the matter has not reached any conclusion, the last representation of the petitioner being dated 24.02.2014, highlighting inter alia, the Resolution of the Panchayat dated 15.8.2012, expressing its no objection for issuance of residential pattas in the area.

4. We are of the view that if the land has been allotted and it is used properly, no third parties can encroach up on the same and put up huts and thus claim pattas. On the other hand, if the land is not being used for its designated purpose, the parties are free to take action in accordance with law. It is high time that the matter reaches a conclusion and thus, we direct the District Collector, Salem/respondent No.1 to make a final recommendation after getting the site inspected and hearing all affected parties. The order should be passed within a period of three months from the date of receipt of the copy of this order.

5. The writ petition, accordingly, stands disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

bbr

To

1.The District Collector,
Collectorate, Salem District.

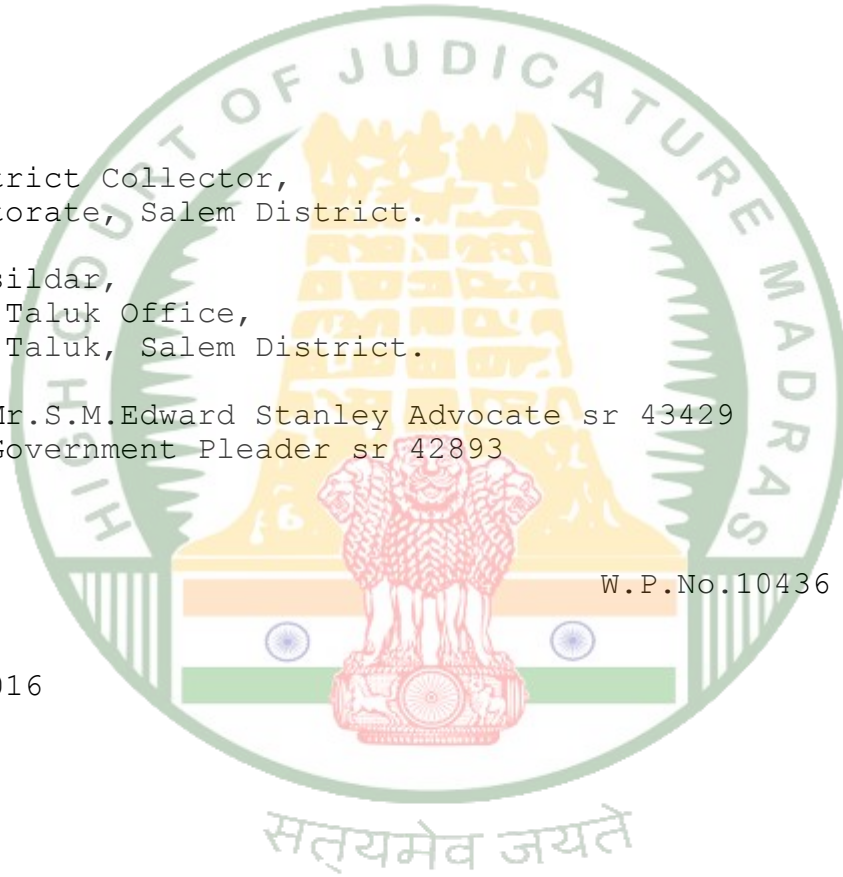
2.The Tahsildar,
Omalur Taluk Office,
Omalur Taluk, Salem District.

+1 cc to Mr.S.M.Edward Stanley Advocate sr 43429

+1 cc to Government Pleader sr 42893

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