

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.13393 of 2016

Sundari

... Petitioner

vs.

1.The District Collector cum
Special Secretary (Revenue),
O/o.The Sub Divisional Magistrate
(South),
Villianur, Pondicherry.

2.The Director,
Directorate of Survey and Land
Records,
Government of Pondicherry,
Pondicherry.

3.The Tahsildar,
Taluk Office, Bahour,
Villianur, Pondicherry.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the third respondent to cancel the assignment made in the name of Pitchiyammal, wife of Egambaram in respect of free house site in R.S.No.94/38 of Earipakkam Revenue Village measuring to an extent of 0.01.38 Ha issued vide LGR No.1326/78 asper the order issued by the second respondent in his proceedings No.11852/DOS/ST-II/DT-2/ R1-3/2010 dated 13.2.2014 and restore the earlier patta, favouring the petitioner.

For Petitioner : Mr.B.Balavijayan

For Respondents : Mrs.Reena Iswariya,
Govt. Advocate (Pondicherry)

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the third respondent to cancel the assignment made in the name of Pitchiyammal, wife of Egambaram in respect of free house site in R.S.No.94/38 of Earipakkam Revenue Village measuring to an extent of 0.01.38 Ha issued vide LGR No.1326/78 as per the order issued by the second respondent in his proceedings No.11852/DOS/ST-II/DT-2/ R1-3/2010 dated 13.2.2014 and restore the earlier patta, favouring the petitioner.

3. Though very many contentions have been raised in this writ petition, at the time of submitting his submissions, learned counsel appearing for the petitioner, by inviting the attention of this Court to the proceedings of the second respondent dated 13.2.2014, submitted that already the assignment made in favour of the said Pitchaiyammal, wife of Egambaram in respect of free house site in R.S.No.94/38 of Earipakkam Revenue Village measuring to an extent of 0.01.38 Ha issued vide LGR No.1326/78 was cancelled by the third respondent. Despite the same, the third respondent has failed to cancel the patta standing in the name of said Pitchaiyammal, wife of Egambaram, and restore the earlier patta in favour of the petitioner. In this regard, the petitioner approached the third respondent on so many occasions. But, till date, no action was taken by the third respondent. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate (Pondicherry), who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim made by the petitioner, this Court directs the petitioner to give a fresh representation along with a copy of this order to the third respondent, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the third respondent is directed to consider the same in the light of the proceedings of the second respondent in No.11852/DOS/ST-II/DT-2/ R1-3/2010 dated 13.2.2014 and pass appropriate orders / take appropriate action, on merits and in accordance with law, by affording an

opportunity of personal hearing to the petitioner as well as to the necessary parties, if any, within a period of eight weeks thereafter. The writ petition is disposed of accordingly. No costs.

sbi

s/d-

Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

1.The District Collector cum
Special Secretary (Revenue),
O/o.The Sub Divisional Magistrate
(South),
Villianur, Pondicherry.

2.The Director,
Directorate of Survey and Land
Records,
Government of Pondicherry,
Pondicherry.

3.The Tahsildar,
Taluk Office, Bahour,
Villianur, Pondicherry.

+ 1 cc to Govt.Pleader (Pondicherry) SR 22884

+ 1 cc to Mr.B.Balavijayan, Advocate SR 22613

svi(co)
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