

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.15124 of 2016

and

WMP.No.13179 of 2016

S.Muniyammal

... Petitioner

vs.

1.The District Collector,
Collectorate,
Thiruvallur District.

2.The Tahsildar
Office of the Tahsildar,
Poonamallee.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the first respondent, to grant patta to the petitioner's house, situated at S.F.No.377/1-A, Gandhi Nagar, Ambedkar Street, Cross Lane, bearing No.22, Thandarai Village, Poonamallee Taluk, Thiruvallur District.

For Petitioner : Mr.P.Saravanan

For Respondents : Mr.V.Jayaprakash Narayanan, Spl.GP

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the first respondent, to grant patta in respect of her house situated at S.F.No.377/1-A, Gandhi Nagar, Ambedkar Street, Cross Lane, bearing No.22, Thandarai Village, Poonamallee Taluk, Thiruvallur District.

2. It is the case of the petitioner that she belongs to Scheduled Caste Arunthathiyar Community. She along with her family has been residing in a hut situated at S.F.No.377/1A, Thandarai Village, for which, her husband has paid kist from 1995 to 2011. While so, her husband has executed a settlement deed in favour of the petitioner on 14.09.2011. Thereafter, she has paid tax from 2011 onwards. She has also made several representations to the respondents, requesting to issue patta in

respect of her house. However, her request was not considered so far.

3. It is the further case of the petitioner that in the mean while, S.F.No.377/1A has been classified as Natham and assignment has also been given to one Sakaravarthy by the proceedings of the second respondent in Na.Ka.No.11639/A/08/Pi dated 07.08.2008. Further, the Government of Tamil Nadu has issued G.O.Ms.No.372 dated 26.08.2014 to extend the time till 26.08.2015 for regularisation of the Government lands, which were encroached by the people by constructing houses. Pursuant to the same, the petitioner made a representation on 12.09.2014 to the first respondent, the copy of which is addressed to the second respondent, requesting to issue patta in respect of her house. Though she is entitled to get assignment as per the Standing Orders of the Board of Revenue, she was not given any assignment or patta so far. Taking advantage of the said situation, some rowdy elements have attempted to vacate the petitioner from her premises, which compelled the petitioner to approach this Court with the present writ petition for the above stated relief.

4. Heard the learned counsel for the petitioner and the learned Special Government Pleader, who took notice for the respondents.

5. Considering the facts and circumstances of the case, this Court directs the respondents to consider the petitioner's representation dated 12.09.2014, by affording an opportunity of personal hearing to the petitioner and pass appropriate orders, with regard to grant of patta in S.F.No.377/1A, Gandhi Nagar, Ambedkar Street, Cross Lane, bearing No.22, Thandarai Village, Poonamallee Taluk, Thiruvallur District. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the respondents to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.
rk

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1.The District Collector,
Collectorate,
Thiruvallur District.

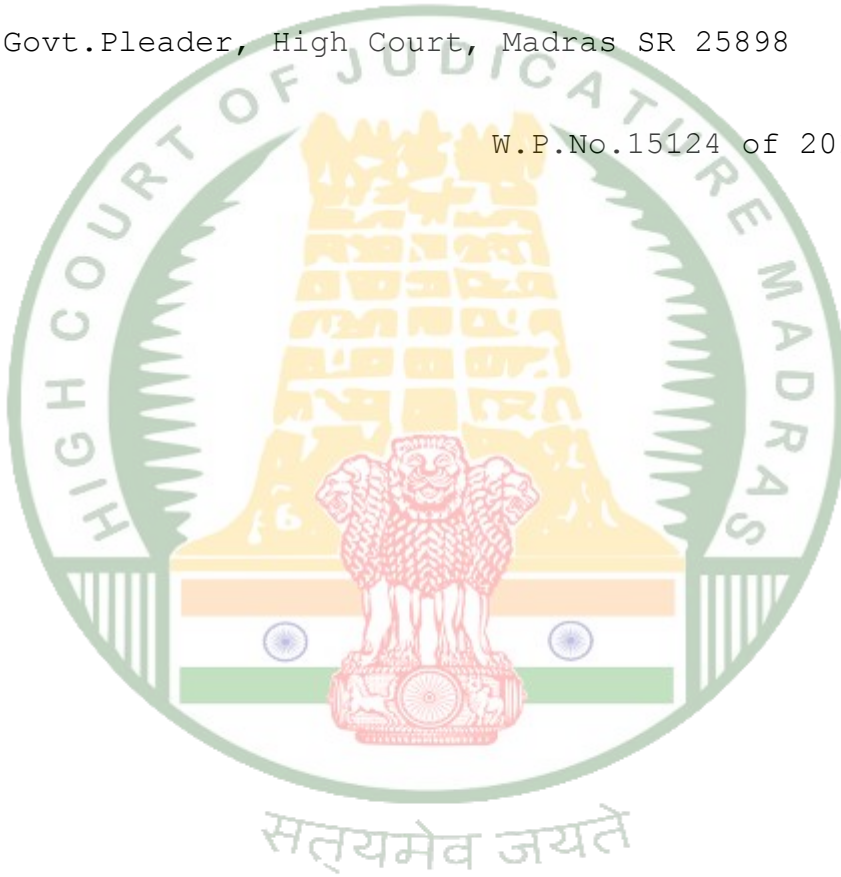
2.The Tahsildar
Office of the Tahsildar,
Poonamallee.

+ 1 cc to Mr.P.Saravanan, Advocate, SR 25917

+ 1 cc to Govt.Pleader, High Court, Madras SR 25898

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W.P.No.15124 of 2016



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