

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.6391 of 2013

and

M.P.No.1 of 2013

Tamil Nadu Building Labors
Central Sangam,
Sangarapuram Branch,
rep. by its president,
Indira Nagar,
Sangarapuram - 606 401

Petitioner

vs

1 The District Collector
Villupuram District, Villupuram.

2 The Divisional Officer,
Sangarapuram Taluk,
Sangarapuram,
Villupuram District.

3 The Tashildar,
Sangarapuram Taluk,
Sangarapuram,
Villupuram Taluk.

Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to issue free house site patta to the petitioner in respect of Survey No.210/3 Kattuvanasoor Village, Sankarapuram Taluk, Villupuram District to the extent of 9 acres.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.P.Sanjay Gandhi

Additional Government Pleader

O R D E R

The petitioner has come forward with this Writ Petition seeking for issuance of Writ of Mandamus upon the respondents to issue free house site patta to the petitioner in respect of Survey No.210/3 Kattuvanasoor Village, Sankarapuram Taluk, Villupuram District to an extent of 9 acres.

2. Heard Mr. V. Raghavachari, learned counsel appearing for the petitioner and Mr.P.Sanjay Gandhi, learned Additional Government Pleader appearing for the respondents.

3. According to the petitioner, the petitioner Association was established for the purpose of welfare of the labours who are involving in building construction works. The members of the petitioner's association are in occupation of poramboke land to an extent of 9 acres in Survey No.210/3 from the year 2005. Thereafter, they approached the Revenue Authorities to issue free house site patta under the Welfare Scheme framed by the Government and in pursuant of which, a representation was given to the 2nd respondent viz., the Divisional Officer, Sangarapuram Taluk, Sangarapuram on 17.3.2008 requesting for issuance of free house site patta to the petitioner and the said representation was forwarded to the 3rd respondent for enquiry by virtue of letter dated 21.3.2008. Subsequently, as the petitioner association was directed to approach the 3rd respondent for grant of patta, it approached the 3rd respondent viz., Tahsildar of Sangarapuram Taluk and requested to issue free individual house site patta. Since the respondents have not evinced any interest in the matter, the petitioner sent a representation to Chief Minister's Cell on 23.4.2008 and the same was forwarded to the 1st respondent viz., the District Collector, Villupuram District. As the respondents have not taken any steps over two years, again the petitioner made a representation before the 1st respondent on 17.11.2012 and the said representation was forwarded to 3rd respondent for enquiry and through a communication dated 3.12.2012, the petitioner was directed to approach the 3rd respondent for issuance of free house site patta and accordingly, the petitioner approached the 3rd respondent requesting for issuance of patta, but till date, no action has been taken. Hence, left with no other alternative, the petitioner association has filed the present writ petition .

4. The respondent filed a counter inter alia stating that the subject land is not under any body's occupation till now. The area is unoccupied by anybody else and is being kept vacant for utilising the same by the government in future. The land is free from encroachment and it is urgently required for implementation of government projects for TANGEDCO and SIDCO. When things are being so, the president of the petitioner's Sangam has instigated the Sangam people who are from different village in and around Kattuvannanpur Village and urging the authorities to give house site patta without any kind of occupation of the land. As all the members of the petitioner association were from different areas, possibility is there to have houses in their respective villages. When all these members of petitioner Association coming from various places in and around the Taluk, they are not eligible to get house site pattas.

5. It was further stated in the counter affidavit that without any encroachment or enjoyment in the land, patta cannot be issued as per the rules. Even a single house is not constructed and nobody is living there for years together, therefore without occupation of such land, the representation requesting to issue a free house site patta by the petitioner's association people could not be considered. Further the association people who are living in different village cannot be provided house site when they have no enjoyment in the land, hence the claims of the petitioner association cannot be considered.

6. The value of the land is considerably increased nowadays. It was further stated in the counter affidavit that many people are trying to grab the valuable government land. The Sankarapuram Taluk was bifurcated from Kallakurichi Taluk and it is a backward area and in order to develop and to promote employment opportunities and to provide better technical education of the pupils of the rural area, above schemes are being implemented by the Government with the larger public interest.

7. The members of the petitioner's association are not homeless. They are from different parts/villages in the Taluk and they are living in their home/town villages. The disputed land is free from encroachment even now and not even a single hut/house was put up there. Hence the prayer sought for by the petitioner is not justifiable.

8. When the matter is taken up for consideration, learned counsel for the petitioner submitted that the petitioner's representation dated 17.3.2008 given to the 2nd respondent was forwarded to 3rd respondent and it would suffice if the representation dated 17.3.2008 forwarded to 3rd respondent is disposed of within a time frame that may be fixed by this court.

9. Learned Additional Government Pleader, on the other hand, opposed to grant a direction and prayed for dismissal of this Writ Petition.

10. I have considered the submissions made on either side.

11. Since the petitioner asked not for any positive direction, I am of the opinion, by considering his submission, a direction would be given to the 3rd respondent, to consider and dispose of the representation of the petitioner dated 17.3.2008.

12. Accordingly, this Court, irrespective of the submissions made by the respondents and irrespective of the claim made by the petitioner and without going into the merits of the case,

directs the petitioner to submit a fresh copy of the representation dated 17.3.2008 before the 3rd respondent along with a copy of this order within a period of two weeks from the date of receipt of a copy of this order and on such representation, the 3rd respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner and it is for the 3rd respondent to consider the representation of the petitioner purely on merits and in accordance with law.

13. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1 The District Collector
Villupuram District, Villupuram.

2 The Divisional Officer,
Sangarapuram Taluk,
Sangarapuram,
Villupuram District.

3 The Tashildar,
Sangarapuram Taluk, Sangarapuram,
Villupuram Taluk.

+ 1 cc to Mr.V.Raghavachari, Advocate, SR 11296

+ 1 cc to Govt.Pleader, High Court, Madras SR 11394

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