

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.25924/2016 & WMP.No.22169/2016

N.Durairaj

..

Petitioner

Versus

1.The Commissioner
State Settlement Office
Chepauk, Chennai-5.

2.The Special Tahsildar
Natham Projects, Dharapuram
Tirupur District.

..

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus forbearing the respondents from vacating the petitioner from the petitioner's house site situated at Dharapuram Town Municipal Revenue, Ward No.6, Block No.14, Periyar West Street, in TS.No.858/6E to the extent of 0.112.5 sq.meter, Dharapuram, Tiruppur District.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.R.Govindasamy, Spl.GP

ORDER

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

2 The petitioner claims that he is eking out his livelihood as an agricultural coolie and his father was assigned with 0.112.5 sq.m., house site in Ward No.6, Block No.14, Periyar West Street, in TS.No.858/6E, Dharapuram and thereafter, his father has put up a small house and while he was alive, very many attempts have been made by him to get the house site patta and after his demise on 06.04.2012, the petitioner claims that he is in possession and enjoyment of the same. According to the petitioner, on 24.05.2016, some anti-social elements threatened him to dispossess from the property in question. The petitioner has also submitted a representation dated 25.05.2016 to the 2nd respondent praying for issuance of house site patta and since no

orders have been passed, the petitioner came forward to file the present writ petition.

3 Mr.C.Prakasam, learned counsel for the petitioner would submit that the petitioner in this regard has also submitted a representation dated 25.05.2016 and would submit that an Advocate, via., one Varanavasi, with the help of henchmen, is trying to dispossess the petitioner and also put up an electric pole and therefore, the petitioner submitted the said representation, praying for issuance of house site patta as well as removal of electric pole and provide him with electricity service connection.

4 Heard the submissions of Mr.R.Govindasamy, learned Special Government Pleader who accepts notice on behalf of the respondents.

5 In the considered opinion of this Court, the writ petition is highly misconceived for the reason that even as per paragraph 3 of the affidavit in support of this writ petition as well as in the representation, some private persons including an Advocate, viz., Varanavasi, are trying to dispossess the petitioner from the land in question and whereas in the prayer, a picture has been created as if the officials attached to the office of the respondents 1 and 2 are trying to dispossess the petitioner.

6 Be that as it may, since the petitioner prays for issuance of a house site patta, the 2nd respondent is directed to consider the petitioner's representation dated 25.05.2016 in accordance with law, after putting on notice, the person/s concerned and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the person/s concerned.

7 The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

AP

To

1.The Commissioner
State Settlement Office
Chepauk, Chennai-5.

2.The Special Tahsildar
Natham Projects, Dharapuram
Tirupur District.

+ 1 CC to Mr.C.Prakasam, Advocate SR NO 42565

W.P.No.25924/2016

MSM[CO]
GP/5.8.



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