

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.36707 of 2016
&
W.M.P.No.31548 of 2016

R.Kamatchi

... Petitioner

Vs.

1. The District Collector
Dharmapuri District
Dharmapuri.
2. The District Adhi Dravidar
Welfare Officer,
Dharmapuri District, Dharmapuri.
3. The Special Tahsildar
[Adhi Dravidar Welfare]
Dharmapuri District
Dharmapuri.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents herein to allot one house site to the petitioner based on the application dated 21.04.2016 and the communication of the 3rd respondent dated 23.09.2016 in Na.Ka.No.225/2016/A for the property acquired for providing house site to Arunthathiyar Community comprised in Survey No.34/2B situate at Golla Halli Village, Palacode Taluk, Dharmapuri District.

For Petitioner : Mr.C.Prabakaran

For RR 1 to 3 : Mr.A.N.Thambi Durai,
Special Government Pleader

ORDER

Heard the learned counsel for the petitioner and Mr.A.N.Thambi Durai, learned Special Government Pleader who accepts notice on behalf of the respondents 1 to 3 and with the consent on either side, the writ petition is taken up for final disposal.

2. The petitioner would state that she belongs to Scheduled Caste [Arundhadiyar] Community and pursuant to the collective representation submitted by the said community people, the Government have acquired the land in Survey No.34/2B situate in Golla Halli Village, Palacode Taluk, Dharmapuri District and allotted house sites to 35 beneficiaries vide proceedings dated 12.01.1984 and kept the remaining vacant land for future purpose. Again the said land was divided into Plot Nos.36 to 41 and since the petitioner's husband abandoned the petitioner and her child, the petitioner has been left in lurch and on coming to know about the vacant house site, she made a representation dated 21.04.2016 to the respondents seeking for a free house site patta and since no action has been initiated, she once again sent another representation on 19.09.2016 and on receipt of the same, the 3rd respondent has sent a communication dated 23.09.2016 to the petitioner, stating that suitable and proper enquiry will be conducted and that her claim would be considered. Despite the said communication, the 3rd respondent is not proceeding further and hence, having no other alternative, the petitioner is before this Court, with the above said writ petition.

3. Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in this writ petition or in her representation, directs the 3rd respondent to act on the petitioner's representation dated 19.09.2016 seeking for free house site patta, on merits and in accordance with law, if the petitioner is otherwise eligible and pass orders within a period of four months from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. It is made clear that this Court is not expressing any opinion as regards the merits of the case in this order and it is for the 1st respondent to consider the claim of the petitioner.

4. The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

AP

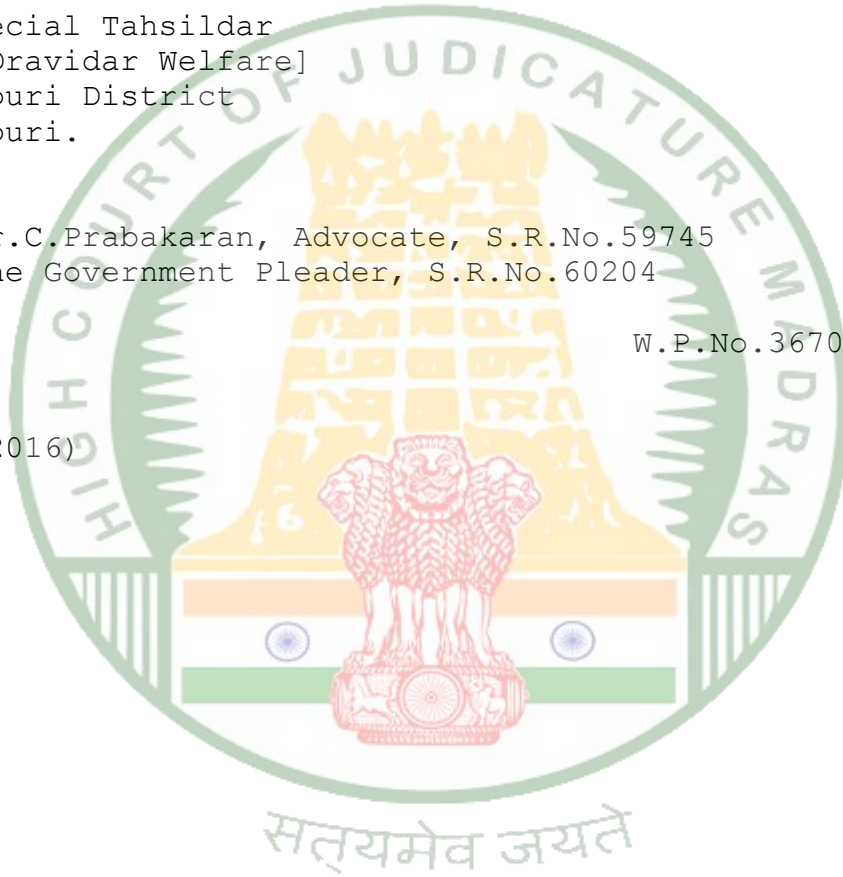
To

1. The District Collector
Dharmapuri District
Dharmapuri.
2. The District Adhi Dravidar
Welfare Officer,
Dharmapuri District,
Dharmapuri.
3. The Special Tahsildar
[Adhi Dravidar Welfare]
Dharmapuri District
Dharmapuri.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.59745
+1cc to the Government Pleader, S.R.No.60204

W.P.No.36707 of 2016

SCD(CO)
CA(22/11/2016)



WEB COPY