



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:05.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Writ Petition (MD). No.10250 of 2016
and
W.M.P. (MD).No.8005 of 2016

V.Lakshmi

... Petitioner

Vs.

- 1.The District Collector,
Collectorate Buildings,
Tirunelveli.
- 2.The Tasildar,
Palayamkottai Taluk,
O/o.Tahsildar Palayamkottai,
Tirunelveli.
- 3.The Revenue Inspector,
Palayamkottai,
Tirunelveli District.
- 4.The Commissioner,
Tirunelveli Corporation,
Tirunelveli.
- 5.The Assistant Divisional Engineer,
Highways Department,
Palayamkottai,
Tirunelveli District.

... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 3rd respondent to issue a patta in favour of the petitioner for the house site measures about 3 cents in Survey No.118 at Melanatham Village, Palayamkottai Taluk, Tirunelveli District considering the petitioner's representation dated 26.4.2016 to the 3rd respondent.

For Petitioner :No appearance

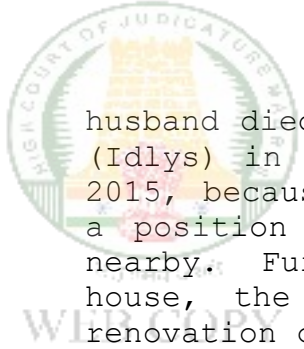
For Respondents :Mr.J.Gunaseelan Muthiah

Government Advocate for RR-1 to 3 & 5

Mr.Aayiram K.Selvakumar for R-4

O R D E R

It is seen from the contents of affidavit filed by the writ petitioner that the petitioner is a physically challenged person and along with her husband, she is in possession of 3 cents in Sy.No.118, situate at Melanatham Village, Palayamkottai Taluk, Tirunelveli District. According to the petitioner, she had constructed a thatched house in the year 1991 and from that time onwards, they are paying regularly the tax to the Revenue Department. It is the version of the petitioner that her



husband died on 14.11.2011 and thereafter, she is selling some rice cakes (Idlys) in her locality for her livelihood and in the month of December 2015, because of heavy rainfall, her house got damaged and she is not in a position to reside there and therefore, residing in a rented house nearby. Further, on 23.04.2016, when she made an attempt to renovate the house, the respondents 3 to 5 had restrained her from carrying out renovation of her house without any valid reason.

2. The grievance of the petitioner appears to be that she is in the possession of the aforesaid house site for well over 25 years and she has been paying regularly the tax to the revenue authorities without any fail and therefore, projected a representation dated 26.04.2016 to the 2nd respondent, seeking issuance of patta for the said house site measuring about 3 cents situate in Sy.No.118 at Melanatham Village, Palayamkottai Taluk, Tirunelveli District. As a matter of fact, she had marked a copy of the representation to other respondents and it is pending consideration.

3. Considering the fact that the petitioner's representation dated 26.04.2016 is pending on the file of the 2nd respondent/Tahsildar, Palayamkottai Taluk, Tirunelveli District, at this stage, this Court, without expressing any opinion on the merits of the matter, simpliciter, directs the 2nd respondent to look into the representation of the petitioner dated 26.04.2016 and to pass a reasoned, speaking order within a period of six weeks from the date of receipt of a copy of this order (of course after providing necessary opportunity to the petitioner and others concerned, by following the principles of Natural Justice). If the petitioner seeks any personal hearing, then, it is open to the 2nd respondent/Tahsildar, Palayamkottai Taluk, Tirunelveli District to grant such request in her favour and to hear her oral submissions, in the subject matter in issue. The petitioner is directed to lend her assistance and co-operation to the 2nd respondent so as to enable him to dispose of her representation dated 26.04.2016 in a complete and comprehensive manner. Liberty is granted to the petitioner to submit necessary records/copies of documents before the 2nd respondent to fortify her claim for issuance of patta and on receipt of such necessary records/copies of documents, the 2nd respondent/Tahsildar, Palayamkottai Taluk, Tirunelveli District shall do the needful to the petitioner, within the time determined by this Court.

4. With the aforesaid observation(s) and direction(s), the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar.

To
1.The District Collector,
Collectorate Buildings,
Tirunelveli.



2.The Tasildar,
Palayamkottai Taluk,
O/o.Tahsildar Palayamkottai,
Tirunelveli.

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3.The Revenue Inspector,
Palayamkottai,
Tirunelveli District.

4.The Commissioner,
Tirunelveli Corporation,
Tirunelveli.

5.The Assistant Divisional Engineer,
Highways Department,
Palayamkottai,
Tirunelveli District.

+1CC to M/S.I.Suthakaran, Advocate, SR.No. 34935

+1CC to M/S.Aayiram K Selvakumar, Advocate, SR.No. 35008

+1CC to the Special Government Pleader, SR.No. 35018

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and

W.M.P. (MD) .No.8005 of 2016
05.07.2016

Vs

AM/NGM.MP/SAR-I/18.07.2016/3P/9C