



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:15.07.2016

CORAM

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Writ Petition (MD). No.12448 of 2016
and
W.M.P. (MD).No.9436 of 2016

Abdul Harim

... Petitioner

Vs.

1. The District Collector,
Trichy District,
Trichy.

2. The Municipal Commissioner,
Trichy Municipal Corporation,
Trichy.

3. The Tahsildar,
Trichy East,
Trichy.

... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing 3rd Respondent to issue patta to the Petitioner in respect of the Petitioner's house situated in Door No.31/26, Santhosh Nagar, Ward No.35 of Trichy Municipal Corporation in pursuant to the Communication dated 13.11.2015 issued by the 1st Respondent to the 3rd Respondent and to issue patta to the Petitioner.

For Petitioner : Mr.V.Sasikumar

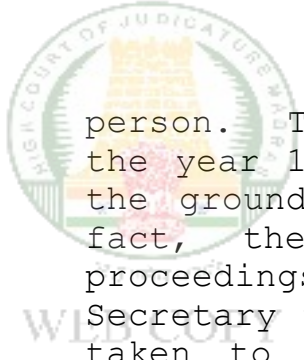
For Respondent : Mr.S.Kumar
Additional Govt. Pleader for R-1 & R-3
Mr.N.S.Karthikeyan
Additional Govt. Pleader for R-2

O R D E R

Heard both sides.

<https://hcservices.ecourts.gov.in/hcservices/>

2. According to the petitioner, he is a physically challenged person and his daughter is also a physically challenged



person. Therefore, he made a request to the State Government in the year 1985 to allot a land for construction of small house on the ground that he is a physically challenged poor person. In fact, the third respondent/Tahsildar, Trichy East, by his proceedings dated 02.09.1987, sent a communication to the Secretary to the Government of Tamil Nadu stating that steps were taken to convert the said land as 'Natham' and thereafter, necessary plot will be allotted to him.

3. The stand of the petitioner is that he was permitted to occupy the said land and he constructed a small house measuring an extent of 4 cents and he is residing in the said land for the past 28 years by paying necessary property tax, water charges to the 2nd respondent/Municipal Corporation and also paying electricity charges for the past 15 years.

4. The categorical case of the petitioner is that the Village Administrative Officer of Kottapattu, Trichy District, through his letter dated 29.01.2012, addressed to the Revenue Inspector of Trichy South, has recommended the issuance of patta in his favour. When the petitioner has approached the third respondent together with necessary documents including the recommendation of the Village Administrative Officer, Kottapattu, for issuance of patta, his genuine request was not at all considered till date. The petitioner is a senior citizen and aged about 74 years. He had submitted a detailed representation on 02.07.2016, addressed to the first respondent/District Collector, Trichy, also to the Assistant Commissioner, Ariyamangalam Division, Trichy Municipal Corporation and the third respondent/Tahsildar, Trichy East praying for issuance of necessary patta in respect of the land occupied by him. Since there is inaction on his representation dated 02.07.2016, the petitioner has preferred the present writ petition praying for passing of an order by this Court in directing the third respondent/Tahsildar, Trichy East to issue patta in his favour, in respect of his house situate in door No.31/26, Santhosh Nagar, Ward No.35 of Trichy Municipal Corporation, pursuant to the communication dated 13.11.2015 issued by the first respondent/District Collector, Trichy District, addressed to the third respondent and to issue patta to him.

5. Also, it is to be noted that the first respondent/District Collector, Trichy, in the communication dated 13.11.2015, addressed to the third respondent/ Tahsildar, Trichy East, had enclosed the petitioner's petition dated 10.08.2015 for taking further action etc., (With a copy being marked to the petitioner).

<https://hcservices.ecourts.gov.in/hcse/Artes/> At this stage, the Learned Additional Government Pleader appearing for the 2nd respondent brings it to the notice of this Court that the second respondent had addressed a



communication dated .03.2014 addressed to the third respondent, wherein, the copy of the original petition was sent for further action and for grant of immediate patta.

7. In view of the communication of the Assistant Commissioner, Ponmalai Division of Trichy Municipal Corporation, addressed to the Special Tahsildar West, dated 12.03.2014, wherein for further action the original petition of the petitioner was transmitted and also it was informed for the immediate grant of patta, this Court, at this stage, in the interest of Justice, based on Equity, Good Conscience and even as a matter of Prudence, directs the third respondent/Tahsildar, Trichy East, to act on the communication of the Assistant Commissioner, Ponmalai Division of Trichy Municipal Corporation dated 12.03.2014, addressed to the Special Tahsildar, Trichy West, now the Tahsildar, Trichy East, without any further loss of time, by considering the petitioner's representation, dated 02.07.2016 in a fair, free, objective, unbiased and dispassionate manner and to pass necessary orders in the subject matter in issue within a period of four weeks from the date of receipt of copy of this order (of-course, after providing necessary opportunity to the petitioner and others concerned, by adhering to the principles of Natural Justice).

8. 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 (CS-II)

/True Copy/

Sub Assistant Registrar (CS)

To

1. The District Collector, Trichy District, Trichy.
2. The Municipal Commissioner, Trichy Municipal Corporation, Trichy.
3. The Tahsildar, Trichy East, Trichy.

+1cc to Mr.V.Sasikumar, Advocate, Sr.No.37239

+1cc to the Special Government Pleader, Sr.No.37263

vs

JM/NGM-MP/SAR-II/21.07.2016/3P-6C

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