



\BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2016

CORAM :

WEB COPY

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.20242 of 2016

K.Palaniyandi

... Petitioner

vs.

1) District Collector,
Pudukottai District, Pudukottai.

2) The Block Development Officer,
Ponnamaravathy Union,
Pudukottai District.

3) The Panchayat President,
Oliyamangalam Panchayat,
Ponnamaravathy Union,
Pudukottai District.

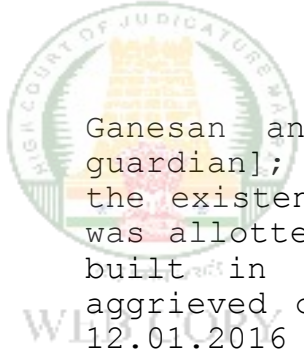
... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 2nd respondent to pass appropriate orders upon the representation dated 12.01.2016 and cancel the allotment of 'Green House'.

For Petitioner	: Mr.A.John Vincent
For R1	: Mr.M.Murugan, Government Advocate
For R2 & R3	: Mr.D.Muruganantham Additional Government Pleader

ORDER

The property in S.No.496(1) and 496(3) in patta No.130 totally 8.15 acres of lands, stood in the name of the petitioner's parents i.e., father Konnaiyan and mother Alagammal; after the death of Alagammal, the petitioner, his three sister and one brother were living in the said property; the petitioner's father is having a second wife namely, Lakshmi and through her, he got four children; the petitioner preferred a petition for grant of succession certificate as suggested by the revenue authorities; the petitioner's father is a licenced contractor; he is in possession of a house worth about 40 lakhs; he is also working as Overhead Tank Operator in Oliyamangalam Panchayat; the petitioner's brother Ganesan is working as a Secretary in the said Panchayat; the properties which stood in the name of the petitioner's parents got transferred to the petitioner's brother



Ganesan and one minor Alagarsamy[with Lakshmi, his mother as a guardian]; the Village Administrative Officer colluded in suppressing the existence of other legal heirs; based on that, Lakshmi Konnaiyan was allotted a Green House in the financial year 2015 and a house was built in the property which was allotted to minor Alagarsamy; aggrieved over the same, the petitioner sent a representation dated 12.01.2016 to the Block Development Officer, explaining the facts and sought for action by cancelling the allotment of green house which is in favour of Lakshmi.

2.The learned Additional Government Pleader appearing for the respondents 2 and 3 would point out that the person in whose favour, allotment was made, has not been made as a party in this writ petition.

3.The objection raised by the learned Additional Government Pleader is well founded. But, this Court is not going to pass any order on merits. It is simply a writ petition seeking a direction to the 2nd respondent to consider the representation of the petitioner. Therefore, having regard to the limited prayer made herein, this Writ Petition is disposed of directing the 2nd respondent to consider the representation of the petitioner dated 12.01.2016. While considering the representation, the second respondent shall issue notice to the persons interested to the property, the allottee of the said green house and other deemed appropriate and to pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

nbi

To

1)District Collector,
Pudukottai District, Pudukottai.

2)The Block Development Officer,
Ponnamaravathy Union, Pudukottai District.

3)The Panchayat President, liyamangalam Panchayat,
Ponnamaravathy Union, Pudukottai District.

+1CC to Mr.A.John Vincent, Advocate Sr.No.62666

+1CC to Spl.Government Advocate Sr.No.62960

GJM/GSV/PM/9.11.16-2p-6C

W.P (MD) No.20242 of 2016

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