



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2016

CORAM

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THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD)No.15407 of 2013

Deepam @ Sundarmozhi

... Petitioner

-Vs-

1. The District Collector,
Madurai District,
Madurai.

2. The Tahsildar,
Madurai North Taluk,
Madurai.

... Respondents

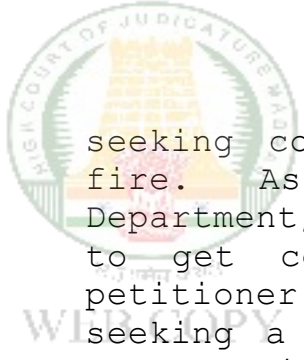
Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 26.06.2013 made in Na.Ka.No.23448/2013/The.3 passed by the 1st respondent and quash the same and consequently direct the 1st respondent to disburse the compensation as per G.O.Ms.No.630, Revenue Department dated 29.10.2007.

For petitioner :Mr.P.Arun Jayatram

For respondents :Mr.R.Anandharaj
Government Advocate**ORDER**

The petitioner has filed this writ petition, challenging the impugned order, dated 26.06.2013 made in Na.Ka.No.23448/2013/The.3, passed by the 1st respondent and for a consequential direction, directing the 1st respondent to disburse the compensation as per G.O.Ms.No.630, Revenue Department, dated 29.10.2007.

2.According to the petitioner, he is residing at Survey No.6/1, 37, Thiruppalai Village, Madurai North Taluk and in that survey number, there are totally 104 huts dwellers residing. Earlier, by an order, dated 24.07.2009, a Division Bench of this Court, directed the respondents to issue house site patta to all the eligible persons residing in that area. Pursuant to the said direction, the respondents issued pattas to 60 hut dwellers and the remaining 44 hut dwellers were not issued with patta. That being so, on 25.08.2009, there was a fire accident in that area and due to that, all the huts were destroyed. In that regard, the petitioner has given a complaint before the Oomatchikulam Police Station. Thereafter, the petitioner made a representation before the respondents



seeking compensation stating that their house was destroyed in fire. As per clause 10(d) of G.O.Ms.No.630, Revenue (NC III (2)) Department, dated 29.10.2007, all the hut dwellers are eligible to get compensation. Since no compensation is given, the petitioner filed a writ petition in W.P.(MD).No.4205 of 2011, seeking a direction to consider her representation and disburse compensation, as per the said G.O. This Court, by an order dated 20.02.2013, disposed of the above writ petition, by directing the first respondent to dispose of the representation and disburse the compensation, subject to production of proof, as required under the said G.O. Pursuant to the above order passed by this Court, the first respondent passed the impugned order, rejecting his request stating that 60 hut dwellers have encroached the survey No.6/1, which is classified as 'water body' and the encroachers have put up only thatched shed and there is no damage to the life and properties of anybody and the petitioner was granted patta in Manjampatti Village, pursuant to the order passed by this Court and she is now residing in the above said place. Challenging the said order, the petitioner has filed the present writ petition.

3.The second respondent/Tahsildar, Madurai North Taluk, also filed a counter affidavit stating that the above said S.No.6/1 is classified as 'Chinna Kanmoi' of Thiruppalai Village, already a patta has been granted to the petitioner in Manjampatti Village in plot No.74, measuring an extent of 0.01.05.0 hectares. Even assuming that the petitioner has encroached upon the water body, she is not entitled for any assistance on 'natural calamities', hence, her request was rightly rejected vide impugned order.

4.Heard the submissions made on either side and carefully perused the entire records.

5.As per the counter filed by the second respondent, pursuant to the order passed by a Division Bench of this Court, patta has been granted to the petitioner in a nearby village and she is residing therein, apart from that, the petitioner has not produced any evidence showing that she is residing in Sy.No.6/1 of Thiruppalai Village, Madurai North Taluk. Without producing any proof that her house was destroyed in fire, the petitioner cannot claim any relief.

6.In the above circumstances, this writ petition is dismissed. There shall be no order as to costs.

Sd/
Assistant Registrar(T & P)

/TRUE COPY/



To

1. The District Collector,
Madurai District,
Madurai.

2. The Tahsildar,
Madurai North Taluk,
Madurai.

+1cc to Special Government Pleader in SR.No.59114.

W.P. (MD) .NO.15407 of 2013
04.10.2016

vs

msm/sk-skn/01.11.16/p2/4c