

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2017

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.757 of 2017 and
M.P.No.788 of 2017

Govindammal

... Petitioner

Vs.

1. The District Collector,
Saram, Puducherry.
 2. The Director,
Director of Survey and Settlement,
Collectorate Campus,
Saram, Puducherry.
 3. The President,
A/m.Shri Arani Periyapalayathamman Temple,
A/m.Shri Virall Thulli Ayyanarappan Temple,
Uzhavarkarai Municipaliaty,
Aiyankuttipalayam,
Puducherry-605 009.
- Respondents

Writ Petition is filed under Article 226 of the Constitution of India to India for the issuance of a Writ of Mandamus, directing the 2nd respondent to grant house site patta to the petitioner in respect of her house in Survey No.1/1, Ayyankuttipalayam, Oulgaret, Revenue Village, Puducherry.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mrs.Reena Iswaraya,

Additional Government Pleader(P)

O R D E R

The Writ Petition is filed to issue a Writ of Mandamus, directing the 2nd respondent to grant house site patta to the petitioner in respect of her house in Survey No.1/1, Ayyankuttipalayam, Oulgaret, Revenue Village, Puducherry.

2. Though so many contentions have been raised in the writ petition, at the time of hearing, the learned Counsel for the petitioner would submit that to grant house site patta to the petitioner in respect of her house in Survey No.1/1, Ayyankuttipalayam, Oulgaret, Revenue Village, Puducherry, as per the direction issued by this Court in W.P.No.20.07.2015, the petitioner approached the 2nd respondent along with necessary documents. But without considering the same, the 2nd respondent has rejected the claim of the petitioner. Aggrieved over the same, the petitioner has preferred an appeal before the 1st

respondent and she has already submitted all the documents before the concerned Officer and the enquiry proceedings were concluded on 26.05.2016. But, till date no order has been passed. Hence, left with no other option, the petitioner is before this Court with this writ petition.

3. The learned Additional Government Pleader appearing for the respondents would submit that the earlier appellate authority has been now transferred and a new Officer has taken charge of that position, who will deal with the appeal of the petitioner. She would further submit that in fact, the petitioner's appeal has been posted for hearing today. Therefore, it may be sufficient to direct the 1st respondent to pass orders on the appeal of the petitioner within a stipulated period.

4. Considering the facts and circumstances and the submissions now made by the learned Additional Government Pleader, this court directs the 1st respondent to dispose of the appeal of the petitioner dated 09.11.2015 on merits and in accordance with law after giving an opportunity of personal hearing to the petitioner as the enquiry was already over by his predecessor and pass appropriate orders, in respect of granting house site patta to the petitioner's house in Survey No.1/1, Ayyankuttipalayam, Oulgaret, Revenue Village, Puducherry. within a period of four months from the date of receipt of a copy of this Order.

5. The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1. The District Collector, Saram, Puducherry.
2. The Director,
Director of Survey and Settlement,
Collectorate Campus,
Saram, Puducherry.
3. The President,
A/m.Shri Arani Periyapalayathamman Temple,
A/m.Shri Virall Thulli Ayyanarappan Temple,
Uzhavarkarai Municipality,
Aiyankuttipalayam,
Puducherry-605 009.

+1 cc to Mr.T.Gnanasekar, advocate, sr.2839.

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W.P.No.757 of 2017