

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2017

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THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

And

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.No.797 of 2013

And

M.P.No.1 of 2013

The District Collector,
O/o.The Collector,
Puducherry.

... Appellant

Vs.

Tmt.Ramya

... Respondent

Prayer:

Writ appeal filed under Clause 15 of the Letters Patent praying to set aside the impugned order dated 22.11.2011 in W.P.No.19565 of 2011.

For Appellant : Ms.V.Usha

Additional Government Pleader (Pondicherry)

For Respondent : Mr.W.M.Abdul Majeed

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN,J.)

This intra court appeal is directed against the order dated 22.11.2011 in W.P.No.19565 of 2011, whereby and whereunder a Writ

<http://www.judis.nic.in> of Mandamus was issued by the learned Single Judge to hand over the

key of the house constructed under the Tsunami Scheme to the respondent.

2.The respondent filed a writ petition with a grievance that notwithstanding the allotment of the house under the Tsunami Rehabilitation Scheme to her by proceedings dated 28.01.2011, follow up action was not taken by the District Collector, Pondicherry, to hand over the key.

3.Before the writ Court, the appellant contended that the respondent was not residing at Pondicherry during the time of Tsunami and as such, she is not entitled to the allotment of a residential house under the Scheme.

4.The learned Single Judge notwithstanding the objection taken by the appellant allowed the writ petition. Feeling aggrieved, the District Collector is before this Court.

5.The substantial contention in the intra court appeal is to the effect that the respondent was not residing at Pondicherry at that point of time and she was a permanent resident of Singapore. According to

the appellant, the name of the respondent was wrongly recorded in the Allotment Register and it was corrected later. Since she was not having the Ration Card, the respondent is not entitled to the house under the Scheme framed to help the members of fishermen community.

6. We have perused the Passport produced by the respondent. We have also perused the Aadhar Card and Ration Card issued to the respondent by the Pondicherry Government. It is true that there was no Ration Card in the name of the respondent as on the date on which, the list was prepared by the Revenue Department. The plea made by the respondent was rejected only on the ground that she was residing at Singapore. The appellant took up a further contention that the respondent is married to a person who is stationed at Singapore and working as Electrician and that she is not a resident of Pondicherry. The documents produced by the respondent clearly prove that she was not a permanent resident of Singapore, as on the date on which her name was included in the list of beneficiaries.

7. We are also informed that on account of the initiation of the contempt petition, the appellant handed over the key to the respondent.

K.K.SASIDHARAN,J.

And

P.VELMURUGAN,J.

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8.Though the appellant has taken up several contentions, there are no materials produced before us to substantiate those contentions. We do not find any ground made out by the appellant to interfere in the order under challenge.

9.In the result, the intra court appeal is dismissed. No costs. Consequently, the connected miscellaneous petition is also closed.

[K.K.S.,J.]

[P.V.,J.]

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Speaking Order/ Non Speaking Order

Index: Yes / No

Internet: Yes / No

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