



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P. (MD) No.12653 of 2017

and

W.M.P. (MD) No.9759 of 2017

Indumathi

...Petitioner

Vs.

1. The District Collector,  
Tirunelveli District,  
Tirunelveli.

2. Block Development Officer,  
Valliyoor Panchayat Union,  
Valliyoor 627 117,  
Radhapuram Taluk,  
Tirunelveli District.

3. Selvam

...Respondents

**PRAYER:** Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first and second respondents to release the subsidy amount of Rs.3 lakh to petitioner towards construction of a house in Survey No.197/7C of Chettikulam Village and Panchayat, Radhapuram Taluk, as per the allotment order made by the second respondent in his proceedings in Na.Ka.Aa/4/3292/2013 dated 26.08.2016 by considering petitioner's representation dated 24.04.2017.

For Petitioner  
For 1<sup>st</sup> Respondent

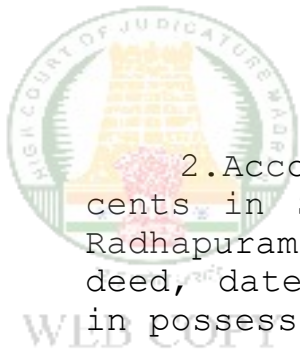
: Mr.S.R.Anbarasu  
: Mr.C.Selvaraj  
Special Government Pleader

For 2<sup>nd</sup> Respondent

: Mr.S.Kumar  
Additional Government Pleader

### O R D E R

This writ petition is filed seeking for the issuance of a Writ of Mandamus directing the first and second respondents to release the subsidy amount of Rs.3,00,000/- to the petitioner towards construction of a house in Survey No.197/7C of Chettikulam Village and Panchayat, Radhapuram Taluk, as per the allotment order made by the second respondent in his proceedings in Na.Ka.Aa/4/3292/2013 dated 26.08.2016, based on his representation dated 24.04.2017.



2. According to the petitioner, the land to an extent of 2.30 cents in Survey No.197/7C in Chettikulam Village and Panchayat, Radhapuram Taluk, was purchased by her through a registered sale deed, dated 04.02.2016. From the date of purchase, she has been in possession and enjoyment of the property.

3. The petitioner would claim that the second respondent made allotment order dated 26.08.2016 in her favour for construction of a house with subsidy of Rs.3,00,000/- under the Koodankulam Atomic Plant surrounding welfare scheme. The petitioner would claim that the entire construction was over. Despite the same, in a suit in O.S.No.36 of 2016, which was filed by the third respondent, the learned Principal District Munsif, Valliyoor, granted an order of temporary injunction in I.A.No.242 of 2016.

4. Mr.S.R.Anbarasu, learned counsel appearing for the petitioner would submit that since the entire construction was already over, the interim application itself had become infructuous. Hence, the petitioner did not prefer an appeal as against the order passed in I.A.No.242 of 2016. The learned counsel would further submit that the pendency of the suit is nothing to do with the release of the subsidy and hence, the petitioner would be satisfied, if a direction is issued to the second respondent to consider the representation of the petitioner, dated 24.04.2017.

5. Considering limited scope of the prayer sought for in this writ petition, this Court, without expressing any view on the merits and contention raised by petitioner, directs the respondent 1 and 2 to consider the representation of the petitioner dated 24.04.2017, and pass appropriate orders on merits and in accordance with law, after providing opportunity of hearing to the petitioner as well as interested parties, if any, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

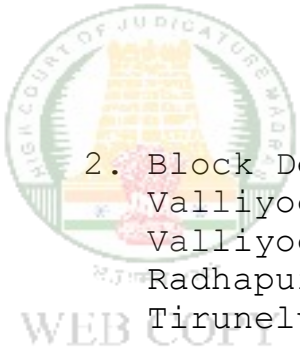
Sd/-  
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,  
Tirunelveli District,  
Tirunelveli.



2. Block Development Officer,  
Valliyoor Panchayat Union,  
Valliyoor 627 117,  
Radhapuram Taluk,  
Tirunelveli District.

+1cc to Mr.S.R.Anbarasu, Advocate SR.No.64349  
+1cc to The Spl.Government Pleader SR.No.64544

SKN/VSG

VB/GT/SAR4/31.07.2017/3P/5C

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and  
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**10.07.2017**