

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2018

CORAM :
THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 2522 of 2011
and
M.P. No. 2 of 2011

Lakshmi

..Petitioner

Vs.

1. The District Revenue Officer,
Tiruvallur District.

2. The Tashildar,
Tiruvallur.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent relating to Mu.Mu.No.21461/09/N1 dated 25.01.2010 passed by the first respondent and quash the same and consequently direct the first respondent to issue free house site patta to the occupation of the premises bearing Door No.3/125, measuring Survey No.221/4, Gandhimedu, Kakkalur Post, Tiruvallur Taluk and District to the petitioner.

For Petitioner : M/s.R.Saritha

For Respondents : Mr. M.Karthikeyan
Additional Government Pleader

ORDER

This writ petition has been filed praying to quash the proceedings of the 1st respondent relating to Mu.Mu.No.21461/09/N1 dated 25.01.2010 and consequently direct the first respondent to issue free house site patta to the occupation of the premises bearing Door No.3/125, Measuring Survey No.221/4, Gandhimedu, Kakkalur Post, Tiruvallur Taluk and District to the petitioner.

2. The learned counsel for the petitioner would submit that the petitioner was in occupation of the premises in 'Tharisu Poramboke' land for the past 20 years and she made a request to the second respondent to provide patta under the free house site patta scheme. But, the second respondent rejected the request of the petitioner stating that she is not eligible for the free house site patta, since the petitioner's husband being a Government servant, has encroached the said land.

3. According to the petitioner, she has been in possession of the said property for the past 20 years and the petitioner's husband has resigned his driver post on 26.07.2003. Therefore, he cannot be treated as a Government Servant and hence she is eligible under the scheme.

4. The first respondent has filed the counter affidavit. The learned Additional Government Pleader appearing for the respondents, relying upon the counter affidavit stated that the petitioner has not satisfied the criteria of eligibility as per the guidelines issued by the Government. At the time of submitting the application, the petitioner's husband was a Government Servant and his family members have encroached the government land, which itself is in violation of the Conduct Rules. The next contention of the learned counsel for the respondents is that the monthly income of the petitioner's family is Rs.1,02,000/-, exceeding the eligibility limit of Rs.16,000/- as prescribed by the Government Order No.207, Revenue 1(2) Department, dated 31.05.2000. Hence, the petitioner was disqualified in granting the free house site patta. Therefore, the contention of the petitioner cannot be accepted and the same is liable to be rejected.

5. Considered the submission of the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

6. As submitted by the first respondent, the petitioner's application was rejected on the ground that the petitioner's husband was a Government Servant at the time of submitting the application. In the counter affidavit, it is also stated that the income of the petitioner's family is exceeding the eligibility limit of Rs.16,000/- as prescribed by the Government in the order dated 31.05.2000. The petitioner has not satisfied the Court that she is eligible for grant of patta under the free house site patta scheme, announced by the Government.

7. Taking into consideration the facts and circumstances of the case, this Court is not inclined to interfere with the impugned order passed by the first respondent. Hence, the writ petition is liable to be rejected.

Accordingly, this writ petition is dismissed. No order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

avr/mm

To

1.The District Revenue Officer,
Tiruvallur District.

2.The Tashildar,
Tiruvallur.

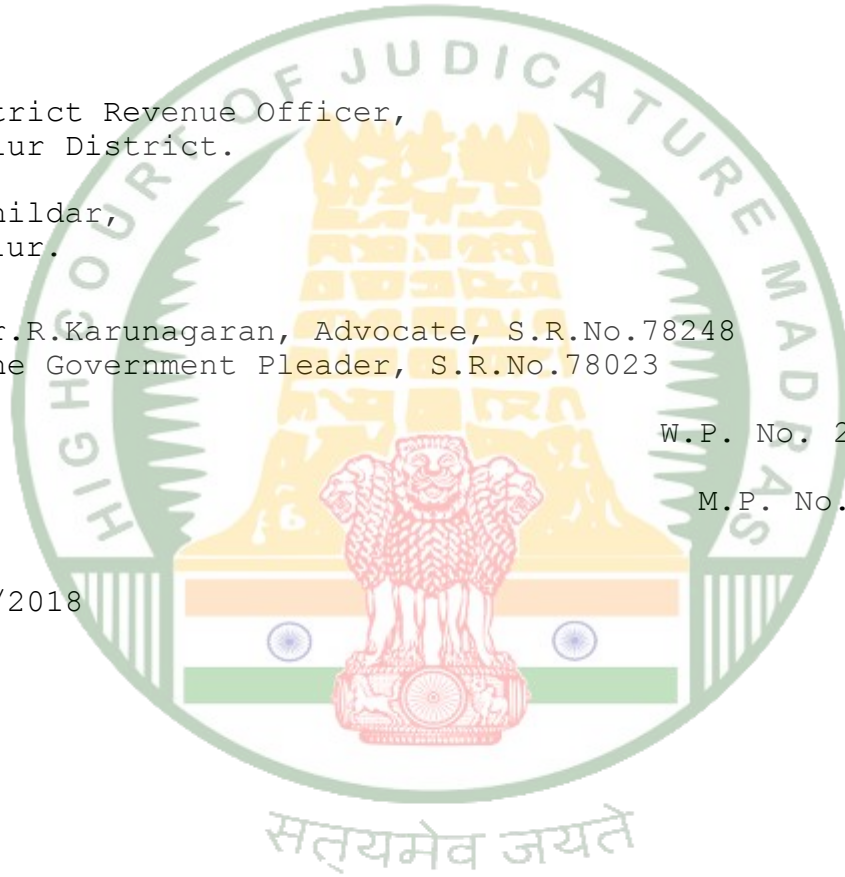
+1cc to Mr.R.Karunagaran, Advocate, S.R.No.78248

+1cc to the Government Pleader, S.R.No.78023

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M.P. No. 2 of 2011

KJ(CO)

rrs 05/12/2018



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