

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2018

CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN

W.P.No. 9724 of 2012

1. P.G.Natarajan (deceased)
2. N.Vijaya
3. N.Karthik
4. N.Rajapriya

... Petitioners

2 to 4 are substituted as legal heirs of deceased P.G.Natarajan vide order dated 11.04.2018 by VPNJ in WMP.6402 of 2018 in W.P.No.9724 of 2012.

Vs

1. The Thasildar
Taluk Office,
Katpadi, Vellore District.
2. The District Collector,
Office of the District Collector,
Vellore District at Vellore.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents herein to consider the representation of the petitioner herein dated 03.02.2011 within the time stipulated by this Hon'ble Court for issue of patta to him and consequently directing the respondents herein particularly the first respondent herein to issue patta in S.No.116/3 of Periya Pudhur Village, Katpadi Taluk, Vellore district to the petitioners herein.

For Petitioners : Mr.M.Durai Murugan
For Respondents : Mr.J.Pothiraj,
Spl.Govt.Pleader

O R D E R

The prayer in the writ petition is for issuance of a writ of mandamus directing the respondents herein to consider the representation of the petitioner herein dated 03.02.2011 within a time limit for issue of patta to the petitioners and

consequently, direct the respondents herein, particularly the first respondent herein, to issue patta in respect of the land in S.No.116/3 of Periya Pudhur Village, Katpadi Taluk, Vellore district to the petitioners herein.

2. The petitioner is the resident of the address which is given in the cause title of the writ petition. His father had put up a thatched hut in the house site bearing S.No.116/3 of Periya Pudur Village, Katpadi Taluk, Vellore district and had been living there for the past 60 years. According to the petitioner, he had been living in the same place for about 30 years. Both electricity and water connection had been given to the house and the same has been used by the petitioner's family for the last 17 years. According to the petitioner, the local municipality had passed a resolution in its meeting held on 16.05.1966 and 29.06.2007 that the Municipality has no objection for issuance of patta to the petitioner.

3. While matters being so, the Government of Tamil Nadu had issued orders vide G.O.MS.No.854 Revenue Department dated 30.12.2006 to regularise all the encroachments in Government poramboke lands in respect of the persons who are enjoying the land by constructing dwelling houses for more than 10 years. In the said circumstances, it appears that the petitioner has given a representation to the respondents for regularising his possession and enjoyment of the property by issuing patta. The representation appears to have been submitted on 03.02.2011 which has not evoked any response till the date of filing of the writ petition. During the pendency of the writ petition, the original writ petitioner had expired and the legal heirs have been brought on record.

4. Upon notice, Mr.J.Pothiraj, the learned Special Government Pleader entered appearance and filed counter on behalf of the first and second respondents.

5. The learned Special Government Pleader submitted that the scheme, which was envisaged by the Government, has been discontinued but subsequently there was another proposal to upgrade the existing Vellore Municipality into Vellore Corporation, after including the existing Katpadi, Kalinjur, Gandhi Nagar town Panchayat and Dharapadavedu 3rd Grade Municipality and Sathuvachari Town Panchayat. Therefore, in the changed circumstances, the respondents were not able to consider the request of the petitioner. As per the existing scheme available, the authority will consider the request of the petitioner.

6. Considering the submission of the counsel appearing for both parties, this Court dispose of the writ petition by

directing the petitioner to submit a fresh representation within a period of two weeks from the date of receipt of a copy of this order and on such representation being made, the second respondent shall consider the representation and pass appropriate orders on merits and in accordance with law. The petitioners are also directed to circulate a copy of the affidavit filed in support of the writ petition to the second respondent. It is made clear that the second respondent shall consider the long years of the petitioners occupation in the subject land and consider the request of the petitioners and pass orders within a period of eight weeks thereafter.

7. With the above observation and direction this writ petition stands disposed of. No costs.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

dpq

To

1.The Thasildar,
Taluk Office, Katpadi,
Vellore District.

2.The District Collector,
Office of District Collector,
Vellore District.

+1cc to Mr.M.Duraimurugan, Advocate, sr.no.29349

+1cc to the Government Pleader, sr.no.29574

W.P.No. 9724 of 2012

AK (CO)

RRK (04/06/18)

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