

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2018

CORAM :

The Hon'ble Mr.JUSTICE M.SATHYANARAYANAN

AND

The Hon'ble Mr.JUSTICE G.K.ILANTHIRAIYAN

W.P. No.16042 of 2018
and W.M.P.No.19062 of 2018

R.Ravi ... Petitioner

-vs-

1.The District Collector,
Erode 638 001
Erode District.

2.The Tahsildar
Perundurai Taluk,
Erode District.

3.A.M.Kumarasamy ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondents 1 and 2 to forbear the 3rd respondent from encroaching Oor Natham to construct a temple like structure in S.F.No.991/23 pending consideration of the petitioner's representations dated 24.05.2018, 07.06.2018, 08.06.2018 to get house site patta in Oor natham bearing S.F.No.991/23, Vadamugam Vellore Village, Perundurai Taluk, Erode District.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.A.N.Thambidurai
Spl.G.P. For RR 1 and 2
* * * * *

O R D E R

(Order of the Court was made by M.Sathyannarayanan, J.)

By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambudurai, learned Special Government Pleader, accepts notice on behalf of respondents 1 and 2.

2.The second respondent, vide proceedings dated 11.11.2015 in Na.Ka.9865/2015/A6, has considered the representation made by 13 persons for grant of free house site patta in Vellode Village Natham Survey No.991/23 and held that since the said land is required for future public purpose, free house site patta cannot be granted. The first respondent, in his proceedings dated 18.01.2016 in Na.Ka.No. 34424/2015/Vu4, has concurred with the views of the second respondent and further found that in respect of the lands in Natham Survey Nos.991/24, 991/25, 991/26, Natham Patta Nos.258, 259 and 260 have been wrongly granted and therefore, directed the concerned revenue officials to carry out rectification process with the further direction to find out suitable alternate lands nearby the lands in Survey Nos.991/24, 991/25 and 991/26 and take appropriate action to issue free house site patta.

3.The petitioner, who is a resident of Attampampalayam village, claims to be poor and belongs to downtrodden community and has also prayed for free house site patta and the grievance is that the third respondent, started putting up religious superstructure/temple on a portion of the land in Natham Survey No.991/23, despite the fact that the second respondent concluded that the entire extent of land in the said survey numbers is required for future public purposes and the representations submitted in this regard failed to evoke any kind of response and hence, he came forward to file this writ petition.

4.Heard the submissions made by Mr.N.Manokaran, learned counsel appearing for the petitioner and Mr.A.N.Thambidurai, learned Special Government Pleader, appearing for respondents 1 and 2.

5.This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the second respondent, to put the petitioner as well as the third respondent on notice and cause inspection of the land in S.No.991/23 of Grama Natham, Vellode, within a period of four (4) weeks from the date of receipt of a copy of this order and depending upon the inspection, shall take appropriate action in accordance with law, to remove the encroachment, including the religious construction/temple, within a further period of eight (8) weeks thereafter and communicate the decision taken to the petitioner as well as to the 2nd respondent.

6.In the light of the proceedings of the first respondent as to the identification of nearby lands in S.Nos.991/24, 991/25, 991/26 with the further direction for issuance of patta, the representations dated 24.05.2018, 07.06.2018 and 08.06.2018,

submitted by the petitioner for issuance of free house site patta, shall also be considered on merits and in accordance with law by the second respondent and appropriate orders be passed within a period of eight (8) weeks from the date of receipt of a copy of this order.

The writ petition stands disposed of accordingly. No costs. Consequently, W.M.P.No.19062 of 2018 stands closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

sra

To

1.The District Collector,
Erode 638 001
Erode District.

2.The Tahsildar
Perundurai Taluk,
Erode District.

+1cc to Mr.N.MANOKARAN, Advocate, S.R.No.42053
+1cc to the Government Pleader, S.R.No.44041

W.P.No.16042 of 2018

EV(CO)
TR(13/07/2018)

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