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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

W.P. (MD) No.24507 of 2018
and W.M.P. (MD) No.22216 of 2018

N.Senthilrajan : Petitioner

Vs.

1. The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Thasildar,
Pudukkottai Taluk,
Pudukkottai District.

3.The Block Development Officer,
Avudaiyarkovil Block,
Pudukkottai District.

4.Selvaraj : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the second and third respondents from evicting the petitioner from his house bearing Door No.1/74B, Villanur Village, Avudaiyarkovil Taluk, Pudukkottai District and consequently direct the first respondent to issue Free House Site Patta to his house situated at Door No.1/74B, Villanur Village, Avudaiyarkovil Taluk, Pudukkottai District considering the representation dated 03.12.2018.

For Petitioner : Mr.C.Mayil Vahana Rajendran

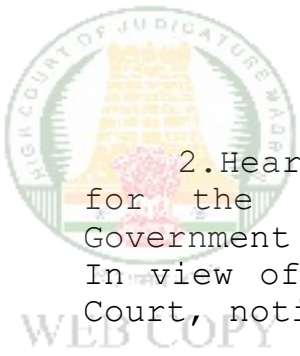
For Respondent : Mr.V.R.Shanmuganathan

Special Government Pleader

ORDER

[Order of the Court was made by R.SUBBIAH, J]

This Writ Petition has been filed for issuance of Writ of Mandamus forbearing the second and third respondents from evicting the petitioner from his house bearing Door No.1/74B, Villanur Village, Avudaiyarkovil Taluk, Pudukkottai District and for consequential direction to the first respondent to issue Free House Site Patta to his house situated at Door No.1/74B, Villanur Village, Avudaiyarkovil Taluk, Pudukkottai District by considering the representation dated 03.12.2018.



2. Heard Mr.C.Mayil Vahana Rajendran, learned counsel appearing for the petitioner and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents 1 to 3. In view of the nature of order that is going to be passed by this Court, notice to the fourth respondent is dispensed with.

3. The case of the petitioner is that the petitioner's house is situated in Pudukkottai District. The said house was allotted to the petitioner under 'Kalaighnar Housing Scheme' in the year 2000 in Patta No.119/1, Villanur Village, Avudaiyarkovil Taluk, Pudukkottai District. The fourth respondent was elected as Panchayat President for Villanur Panchayat in the year 1996. The fourth respondent filed a writ petition in W.P.(MD)No. 21169 of 2018 alleging that the petitioner has encroached the water body. This Court, after considering the submissions of the petitioner and the learned Special Government Pleader therein, has passed an order directing the second respondent-therein-the Block Development Officer to take necessary action under due process of law within the period of eight weeks. Based on the said order, the respondents 2 and 3 herein are taking steps to evict the petitioner from the house.

4. According to the petitioner, the petitioner is residing in the said place for the past 30 years and the petitioner was issued eligibility card under the Scheme of Kalaighnar Housing Scheme and the house was also constructed as per the terms and conditions imposed by the Government. The petitioner has also sent a representation for issuance of Free House Site Patta, for which, the petitioner is eligible as per the earlier direction issued by the Government.

5. When the matter is taken up for consideration, the learned Special Government Pleader submitted that already a representation was given by the petitioner to the second respondent.

6. The learned counsel for the petitioner prayed before this Court that it would suffice if a direction is issued to the official respondents to consider the representation before passing any order.

7. In view of the submissions made on either side, this Court is inclined to issue the following direction:

"The petitioner is directed to give the copy of the representation dated 3.12.2018 afresh along with the copy of this order within a period of one week from the date of receipt of a copy of this order to the first respondent. On such receipt of the representation, the first respondent is directed to consider the same and pass orders after hearing the petitioner as well as the fourth respondent, within a period of eight weeks thereafter. Till such time, status quo as on date shall be maintained".



8. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected W.M.P.(MD)No.22216 of 2018 is closed.

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/True Copy/

Sd/-
Assistant Registrar(CO)

Sub Assistant Registrar(CS-II)

To,

1. The District Collector,
Pudukkottai District, Pudukkottai.
2. The Thasildar,
Pudukkottai Taluk, Pudukkottai District.
3. The Block Development Officer,
Avudaiyarkovil Block, Pudukkottai District.

+1CC to Mr.C.Mayil Vahana RAjendran, Advocate, SR.No.100426
+1CC to the Special Government Pleader SR.No.100309

Order made in
W.P. (MD) No.24507 of 2018
and W.M.P. (MD) No.22216 of 2018
Dated: 13.12.2018

CM
ES/SKN/RSK/SAR 2/19.12.2018/3P/6C